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Item 18 of the provisional agenda

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

Human rights and thematic procedures

Note by the secretariat

1. In paragraph 10 (a) of resolution 2000/86, adopted on 27 April 2000, the Commission on Human Rights requested the Secretary-General, in close collaboration with the thematic special rapporteurs, representatives, experts and working groups, to issue annually and sufficiently early their conclusions and recommendations, so as to enable further discussion of their implementation at subsequent sessions of the Commission.

2. Pursuant to this request, the annex to the present document contains the references to the pertinent chapters containing the conclusions and recommendations of the reports submitted to the Commission on Human Rights at its fifty-seventh session by the thematic special rapporteurs and working groups.

3. Moreover, in paragraph 7 of resolution 2000/86, the Commission requested the Secretary-General to convene further periodic meetings of all the thematic special rapporteurs, representatives, experts and chairpersons of working groups of the Commission, in order to enable them to continue to exchange views, cooperate and coordinate more closely and make recommendations. In this regard, it may be noted that a meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission and of the advisory services programme was held from 5 to 9 June 2000, the report of which has been submitted to the Commission at its fifty-seventh session (E/CN.4/2001/6).

Annex

CONCLUSIONS AND RECOMMENDATIONS OF THEMATIC SPECIAL RAPPORTEURS AND WORKING GROUPS

Conclusions and recommendations of the Special Representative of the Secretary-General on internally displaced persons (E/CN.4/2001/5, sect. V; E/CN.4/2001/5/Add.1, sects. V and VI; E/CN.4/2001/5/Add.3, sects IV and V; E/CN.4/2001/5/Add.4, sects. V and VI; E/CN.4/2001/5/Add.5, sect. IV)

Conclusions and recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2001/9, sect. VII; E/CN.4/2001/9/Add.2, sect. IX)

Conclusions and recommendations of the Working Group on Arbitrary Detention (E/CN.4/2001/14, sect. IV)

Conclusions and recommendations of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/2001/19, sects. V and VI)

Conclusions and recommendations of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2001/21, sect. VII)

Conclusions and recommendations of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic waste and dangerous products and wastes on the enjoyment of human rights (E/CN.4/2001/50, sect. VI)

Preliminary conclusions and recommendations of the Special Rapporteur on the right to adequate housing (E/CN.4/2001/51, sect. IV)

Conclusions and recommendations of the Special Rapporteur on the right to education (E/CN.4/2001/52, sect. VI)

Conclusions and recommendations of the Special Rapporteur on the right to food (E/CN.4/2001/53, sect. VI)

Conclusions and recommendations of the independent expert on the question of human rights and extreme poverty (E/CN.4/2001/54, sect. VI)

Conclusions and recommendations of the independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights (E/CN.4/2001/56, sect. IV)

Conclusions and recommendations of the Special Rapporteur on all forms of intolerance and of discrimination based on religion or belief (E/CN.4/2001/63, sect. IV)

Conclusions and recommendations of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/2001/64, sect. V)

Conclusions and recommendations of the Special Rapporteur on the independence of judges and lawyers (E/CN.4/2001/65, sect. VIII; E/CN.4/2001/65/Add.1, sect. VII; E/CN.4/2001/65/Add.2, sects. XIII and XIV; E/CN.4/2001/65/Add.3, sect. VIII)

Conclusions and recommendations of the Special Rapporteur on the question of torture (E/CN.4/2001/66, Part IV; E/CN.4/2001/66/Add.1, sect. III)

Conclusions and recommendations of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/2001/68, sect. V)

Conclusions and recommendations of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/2001/73, sect. VI; E/CN.4/2001/73/Add.2, sect. VII)

Conclusions and recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2001/78, paras. 27, 36, 37, 68, 102)

Conclusions and recommendations of the Special Rapporteur on the human rights of migrants (E/CN.4/2001/83, sect. VI; E/CN.4/2001/83/Add.1, sect. IV)

Conclusions and recommendations of the Special Representative of the Secretary-General on the situation of human rights defenders (E/CN.4/2001/94, sect. V)

Conclusions and recommendations of the independent expert on the right to development (E/CN.4/2001/WG.18/2, sect. III)

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ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

Role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights

Report of the Secretary-General submitted in accordance with Commission resolution 2000/79

GE.01-10111 (E)

CONTENTS

	Paragraphs	Page
Introduction	1 - 3	3
I. DEVELOPMENTS IN THE PROCESS TO INVESTIGATE AND PROSECUTE THE MOST SERIOUS CRIMES COMMITTED IN CAMBODIA DURING THE PERIOD OF DEMOCRATIC KAMPUCHEA	4 - 6	4
II. RECOMMENDATIONS OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL FOR HUMAN RIGHTS IN CAMBODIA	7 - 15	4
III. ROLE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS IN ASSISTING THE GOVERNMENT AND THE PEOPLE OF CAMBODIA IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS	16 - 62	6
A. Memorandum of understanding	16 - 17	6
B. Implementation of the technical cooperation programme and activities of COHCHR	18 - 55	7
C. Cambodia and the United Nations Development Assistance Framework	56 - 57	14
D. COHCHR staff and the financial situation of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia	58 - 62	15

Introduction

1. The Cambodia Office of the United Nations High Commissioner for Human Rights (COHCHR) was established pursuant to resolution 1993/6 of the Commission on Human Rights which entrusted the Office:

(a) To manage the implementation of education and technical assistance and advisory services programmes and ensure their continuation;

(b) To assist the Government of Cambodia established after the elections, at its request, in meeting its obligations under the human rights instruments acceded to, including the preparation of reports to the relevant treaty monitoring bodies;

(c) To provide support to bona fide human rights groups in Cambodia;

(d) To contribute to the creation and/or strengthening of national institutions for the promotion and protection of human rights;

(e) To continue to assist with the drafting and implementation of legislation to promote and protect human rights;

(f) To continue to assist with the training of persons responsible for the administration of justice;

(g) To assist the Special Representative of the Secretary-General for human rights in Cambodia in the discharge of his/her functions.

2. In subsequent resolutions, the Commission on Human Rights and the General Assembly requested the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with COHCHR, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia.

3. The present report has been prepared pursuant to Commission on Human Rights resolution 2000/79. It contains information on the recommendations of the Special Representative and on the role and achievements of COHCHR from August 2000 to November 2000 in assisting the Government and the people of Cambodia to strengthen democracy and establish the rule of law and respect for human rights. Information on certain coordinated efforts of the United Nations system in Cambodia and on the COHCHR staffing status and the financial situation of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia is also provided. The Secretary-General's report on the activities of COHCHR from September 1999 to July 2000 was submitted to the fifty-fifth session of the General Assembly (A/55/291). Additional information on the recommendations of the previous Special Representatives and the work of COHCHR is available in the annual reports submitted to the General Assembly (A/49/635/Add.1, A/50/681/Add.1 and Corr.1, A/51/552, A/52/489, A/53/400, A/54/353) and to the Commission on Human Rights (E/CN.4/1994/73, E/CN.4/1995/87, E/CN.4/1996/92, E/CN.4/1997/84, E/CN.4/1998/94, E/CN.4/1999/100, E/CN.4/2000/109).

I. DEVELOPMENTS IN THE PROCESS TO INVESTIGATE AND PROSECUTE THE MOST SERIOUS CRIMES IN CAMBODIA COMMITTED DURING THE PERIOD OF DEMOCRATIC KAMPUCHEA

4. Developments in and concerns about the process to investigate and prosecute the most serious crimes committed in Combodia during the period of Democratic Kampuchea were discussed during the last session of the Commission on Human Rights.

5. During his two missions to Cambodia (16-22 March 2000 and 4-7 July 2000), the United Nations Under-Secretary-General for Legal Affairs, Hans Corell, finalized the Articles of Cooperation between the United Nations and the Royal Government of Cambodia on the Prosecution Under Cambodian Law of Crimes Committed During the period of Democratic Kampuchea. The Articles of Cooperation set out the mutual obligation of the parties with regard to the appointment of the judges, the co-prosecutors and the Director and the Deputy Director of the Administration, the privileges and immunities to which the internationally appointed personnel are entitled, and practical and financial arrangements for the functioning of the Extraordinary Chambers. At the request of the Government, the United Nations suggested amendments to the draft Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea, in order to ensure its conformity with the Articles of Cooperation.

6. During the period August to November 2000, some limited progress was made on the draft law. In late September and early October the Legislative Commission of the National Assembly discussed a number of articles of the draft law but the discussion was suspended owing to the flood which overwhelmed Cambodia in October. At the time of writing of the report, the Legislative Commission had resumed and completed its discussion on the draft law. On 29 December 2000, the plenary of the National Asembly commenced its debate on the draft law which was passed unanimously on 2 January 2000. It is expected that it will be discussed at the Senate soon.

II. RECOMMENDATIONS OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL FOR HUMAN RIGHTS IN CAMBODIA

7. The new Special Representative of the Secretary-General for human rights in Cambodia, Peter Leuprecht, was appointed on 18 August 2000. He succeeds Thomas Hammarberg, who resigned on 31 December 1999 after having served as Special Representative since May 1996, and Michael Kirby who served as Special Representative from 23 November 1993 to April 1996. During their respective terms, Justice Kirby undertook 7 and Mr. Hammarberg 16 official missions to Cambodia. Both reported to the General Assembly and the Commission on Human Rights. Activities carried out by the new Special Representative during the period under review will be reflected in his report to the fifty-seventh session of the Commission on Human Rights. The Special Representative conducted his first official mission to Cambodia from 26 November to 2 December 2000.

8. In resolution 55/95 adopted at its fifty-fifth session, the General Assembly requested the newly appointed Special Representative, in collaboration with the Office of the United Nations

High Commissioner, to continue the work of his predecessors by evaluating the extent to which the recommendations in his forthcoming reports, and those contained in the reports of his predecessors, are followed up and implemented, and maintaining contact with the Government and the people of Cambodia. COHCHR continues to follow up on the implementation by the authorities of the observations and recommendations, as well as the efforts of the Government of Cambodia to investigate specific cases of serious human rights violations brought to its attention. Developments in this regard will be reported to the Commission on Human Rights for its consideration as part of the report of the Special Representative.

9. Based on General Assembly resolution 54/71 and Commission resolution 2000/79 as well as previous relevant resolutions, COHCHR continued implementing its programme of activities during 2000, including activities for the protection of human rights in Cambodia. During the period 1 January to 31 October 2000, COHCHR received a total of 240 allegations of human rights violations at the Phnom Penh office and the 8 provincial offices located in Banteay Meanchey, Battambang, Kompong Cham, Kampot, Malai, Pailin, Prey Veng and Siem Reap.

10. The reported allegations included forced evictions, arbitrary confiscation of land and related intimidation, as well as cases of non-compliance with labour rights including several cases of abuse of migrant workers' rights. Allegations of denial of medical assistance to victims in custody, discrimination against ethnic minorities, sexual exploitation of women and children, human trafficking and violence against women have also been reported. COHCHR has also received a significant number of allegations of illegal arrest and detention, and excessive pre-trial detention. COHCHR has also received allegations of police violence and excessive use of force, summary and extrajudicial execution, disappearance, mob killings, torture, political intimidation and violence against members of political parties, in particular the opposition party, including instances of extrajudicial execution, interference of the executive in judicial matters, curtailment of the freedom of association and expression and intimidation of human rights defenders.

11. The Office interviewed victims of human rights violations, families of victims and witnesses to violations. Meetings were held with authorities at the local and national level with the purpose of gathering additional information on allegations, and to assist the authorities in their role of promoting human rights by sharing information on allegations collected by the Office. Cases were also raised with the judiciary and requests were made to initiate legal proceedings against alleged human rights offenders. Visits were made to officials of both the executive and the judiciary to follow up on the progress made in the cases brought to their attention.

12. In general, protection activities of COHCHR prevented illegal arrests as well as excessive detention, and facilitated victims' access to legal assistance, release of victims in illegal detention, release of a significant number of adult women and minor girls from confinement and sexual exploitation, provision of shelter to several foreign victims of trafficking and sexual exploitation and the arrangement of their safe and voluntary return to their home countries. Protection activities also facilitated the provision of medical assistance to persons in custody and modest material assistance to some provincial prisons to improve the prison conditions, and the release of persons from excessive pre-trial detention.

13. As mentioned in the previous report (E/CN.4/2000/108), COHCHR continued documenting and analysing cases of human rights violations, in particular with regard to allegations of mob killings, torture, the use of excessive violence by police and abuses committed by military personnel. Information with regard to new cases of torture and cases previously brought to the attention of the Government of Cambodia in a memorandum presented by the Special Representative in 1997 was also updated. Twenty new cases of allegations of torture by officers of the National Police in Battambang Province in 1998 and 1999 were submitted to the Government, urging the authorities to investigate and initiate legal proceedings against perpetrators and to take the necessary measures to prevent this practice from recurring.

14. COHCHR continued its activities relating to prison conditions, including with respect to the legal situation of persons in custody. During the reporting period, at least 16 to 18 monthly visits were conducted to various national and provincial prisons. Quarterly meetings were held with the prison and judicial authorities to address legal and other major concerns regarding prison conditions. Throughout the country, detainees' access to legal assistance, adequate food, clean and safe water and medical assistance are still below international minimum standards. Many of the concerns may be directly related to the limited budget allocated to prisons. However, concerns such as disciplinary measures taken by prison officials which are not in accordance with prison procedures, or irregular practices used in authorizing visits to persons in custody and upon release are not related to financial constraints and could be stopped relatively quickly upon the authorities taking appropriate measures. Staff members of COHCHR encountered some obstacles in the performance of their monitoring functions. In particular, prison directors and prison staff have on several occasions denied access to prisoners and pre-trial detainees for private interviews, for which they require a written authorization from the courts, in accordance with instructions in this regard from the Ministry of Justice. The situation of children in custody also remains a matter of serious concern.

15. Cases of allegations of human rights violations were referred to various thematic mechanisms, including the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on toxic waste, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on freedom of opinion and expression and the Special Rapporteur on human rights defenders. A compilation of the 240 complaints of human rights violations received by COHCHR was also brought to the attention of the thematic mechanisms for their information and action as appropriate. As part of the programme of assistance to local non-governmental organizations, COHCHR plans to provide them with training on the mandate and working methods of these special procedure mechanisms.

III. ROLE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS IN ASSISTING THE GOVERNMENT AND THE PEOPLE OF CAMBODIA IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

A. Memorandum of understanding

16. The previous memorandum of understanding (MoU) between the Government of Cambodia and OHCHR expired on 28 February 2000. As the General Assembly and the

Commission on Human Rights were previously informed, the Government had verbally agreed to the extension of the MoU until March 2002 in order to enable the Office to continue functioning and to maintain its technical cooperation programmes.

17. During the period under review, several meetings were held between the Ministry of Foreign Affairs and Cooperation and COHCHR to discuss the MoU with a view to finalizing the document. At the time of writing of this report, negotiations between the two parties to the MoU are still continuing on one outstanding issue.

B. Implementation of the technical cooperation programme and activities of COHCHR

1. Assistance for the drafting and implementation of legislation to promote and protect human rights

18. COHCHR provides:

(a) Assistance to bodies and actors concerned in the law-making process by ensuring the compatibility of laws with international human rights standards;

(b) Training to those engaged in drafting laws, facilitating the involvement of civil society in the process;

(c) Advice and information on legal matters to members of the Senate and National Assembly.

19. In order to make the relevant legal materials available to the concerned sectors and institutions, COHCHR has completed the compilation of laws and made arrangements for its publication.

20. COHCHR is currently providing technical assistance for the development of the legal system. This consists of activities facilitating the participation of civil society in the law-making process, specifically by coordinating several working groups through which NGOs and civil society groups can provide input on specific draft laws. During the reporting period, COHCHR worked on drafts of criminal law, criminal procedure law, commune administrative management law, commune election law, law on control of small weapons, land law, anti-corruption law, HIV/AIDS prevention and care law, quality control of goods and services law, etc.

21. In August 2000, a 15-week law drafting seminar, consisting of a series of half-day sessions each month, started. Participants include senators, National Assembly members, senior government officials, NGO representatives and staff from the Council of Ministers, the Supreme Council of the Magistracy and the Constitutional Council. Two specific seminars were held in August and October 2000 for policy makers on their role in the law-making process. International experts were invited as resource persons to these two seminars.

22. As part of the programme of assistance to the Ministry of Justice, the Constitutional Council, the Supreme Council of the Magistracy and courts at all levels, COHCHR provides assistance to strengthen the judicial system for the adequate administration of justice. Capacity-building programmes for judges, prosecutors, other court officials and lawyers on the understanding and application of human rights standards in the delivery of justice, including strengthening of legal education, were also facilitated by judicial mentors during the period August to November 2000.

23. COHCHR, together with the Ministry of Justice and the co-sponsorship of the Embassy of the United Kingdom, organized a workshop for judges, prosecutors and court clerks of four provincial courts. The workshop was attended by the Under-Secretary of State of the Ministry of Justice and a number of other officials and resource persons from various NGOs dealing with legal and court matters. COHCHR has produced compilations of Cambodian law in Khmer for distribution to judges and prosecutors, Senate and National Assembly commissions, the Council of Ministers, the police, various ministries and NGOs. COHCHR provides support to the new initiative of the Cambodian Bar Association to generate public discussion of leading court cases. In August 2000, a seminar was organized for lawyers, judges, prosecutors and civil society groups on a recent high profile court case concerning a former Khmer Rouge military commander. Another such seminar is planned for December 2000.

24. COHCHR continued to implement the Judicial Mentor Programme with a view to providing technical support to members of the judiciary in the following six courts: Phnom Penh Municipal Court, Takeo Provincial Court, Kompong Cham Provincial Court, Kompong Chhnang Provincial Court, Svay Rieng Provincial Court and Battambang Provincial Court.

25. During the period under review, the activities of the Judicial Mentor Programme focused on the improvement of the administration of justice through institution-building activities such as:

On-the-job training;

Providing advice on law, procedure and court management;

Monitoring court trials;

Conducting regular visits to prisons.

26. To ensure coordination between the courts, the judicial police and provincial officials, the Judicial Mentor Programme holds monthly coordination meetings in each province where a judicial mentor is working. Discussions mainly focus on the rule of law, implementation of court decisions by law enforcement bodies and the independence of the judiciary. In addition to the provision of support to civil society through capacity-building at the provincial level, judicial mentors also provide material support to the courts and prisons and report weaknesses in the functioning of court to the main office in Phnom Penh. The programme will be expanded in the near future to cover the Appeal Court and the Supreme Court.

2. Creation of national institutions and strengthening other government bodies for the promotion and protection of human rights

27. The establishment and strengthening of national institutions for the promotion and protection of human rights has been a priority of the Office since 1993. COHCHR provides advice and assistance and maintains a close dialogue with governmental bodies and agencies with mandates relevant to human rights. Cooperation and dialogue extend to the monitoring and investigation of alleged violations, preparation of governmental reports on the implementation of human rights norms, formulation of laws and policies affecting human rights, and the implementation of educational activities.

28. COHCHR cooperates mainly with the following institutions: Human Rights and the Reception of Complaints Commission; Legislative Commissions of both the Senate and the National Assembly; Supreme Council of the Magistracy; Office of the Prosecutor General; the courts; Inter-Ministerial Committee on the Preparation of Human Rights Reports to the United Nations; Governmental Cambodian Human Rights Committee; Land Disputes Settlement Commission; Cambodian National Police; Royal Cambodian Armed Forces and Royal Gendarmerie; Prison Department; Ministry of Justice; Ministry of Women and Veteran's Affairs; Non-governmental human rights organizations. Activities carried out in cooperation with all these institutions are outlined in the various sections of this report.

3. Capacity-building and training for government officials in the administration of justice and other human rights issues

(a) Approach

29. Enhancing the capacity of governmental institutions to promote and protect human rights through increased understanding and application of human rights standards continues to be a priority for COHCHR. This objective is pursued through the implementation of broad education and training programmes, in particular on issues related to the administration of justice, and the development of operational guidelines for the conduct of professional duties by government officials, especially law enforcement officials.

30. COHCHR has been carrying out education and training programmes for several years. The COHCHR approach is multi-phased, and involves:

(a) Development of curricula for various professional audiences;

(b) Training of trainers within key government institutions;

(c) Continued mentoring and provision of advice to the Cambodian trainers;

(d) Monitoring and provision of support to training programmes conducted by the Cambodian trainers themselves.

31. Through this approach, during the past several years a core group of some 40 human rights instructors has been established within each of the following institutions: the Royal

Cambodian Armed Forces (RCAF), the Royal Gendarmerie and the Cambodian National Police. Instructors have also been trained within the Inspection Department of the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation. Currently, rather than directly delivering training, COHCHR is mainly supporting and observing the courses conducted by the COHCHR-trained instructors throughout Cambodian provinces and municipalities, as well as providing advice on the course content and methodology. Thus, a process of shifting responsibility for the training from COHCHR to the respective ministries and institutions is well under way.

32. COHCHR has started discussing with the RCAF, Royal Gendarmerie and National Police training departments the integration of human rights training into the professional training programmes of these security forces with a view to increasing the sustainability of human rights education for law enforcement agencies and military forces. Integration of human rights training into professional schools' programmes should, in the long run, replace the special courses on human rights currently being conducted with COHCHR support. Anticipated difficulties for this approach include the minimal budget from public resources which is allocated to the respective departments for training, as well as the limited structured and systematic training programmes which are offered to members of the military and security forces.

33. COHCHR has started a process of assessment of the methodological and substantive capacity of the core RCAF, Royal Gendarmerie and National Police human rights instructors based on feedback from COHCHR staff, especially those in the provincial offices, who monitor and assist in the implementation of the training programmes. Activities to strengthen the instructors' capacity to deliver effective human rights training are being planned for next year.

(b) Cambodian National Police

34. During the period under review, extensive training was conducted throughout Cambodia based on the annual schedule issued by the Ministry of the Interior for the Police Human Rights and Law Training Programme. During the period August to November 2000, COHCHR-trained police instructors trained approximately 1,450 police officials, using the curriculum developed by COHCHR.

35. In October 2000, COHCHR conducted one training-of-trainers course on human rights, law enforcement and training methodology in Kompong Cham province for 23 officers of the Cambodian National Police. The aim of the course was to train additional police trainers, who would be assigned to each of the 10 provinces where there was only one active human rights trainer. At the end of the course, the selected trainers joined the core group of police instructors who are conducting the nationwide training programme.

36. Implementation of the inter-agency project "Law enforcement against sexual exploitation of children", of which COHCHR is a member together with UNICEF, the International Organization for Migration (IOM), Redd Barna, World Vision and the Ministry of the Interior, continued. The overall goal of the project is to improve the capacity of the police, investigating judges and prosecutors to investigate cases of sexual exploitation and trafficking of children,

including rescue of victims, development of referral systems, arrest of offenders and initiation of court proceedings. The main components of the project are the development of police operating procedures on the investigation of cases of sexual exploitation against children, the development of training materials and the basic training of senior police officers, and the establishment and in-depth training of a specialized investigation team.

37. During the reporting period, the manual "Understanding and Investigating Child Sexual Exploitation" and the Trainer's Guide on the same topic, drafted earlier in 2000, were reviewed by working groups established within the Ministry of the Interior. They will be finalized soon taking into account the working groups' comments. These materials were used in October 2000 for the training of an Investigative Coordination Team including members of various police departments, established at the Ministry of the Interior. A 10 day training course for police officials, court officials and representatives of the Ministries of Justice and Social Affairs, Labour, Vocational Training and Youth Rehabilitation involved in the prevention or investigation of cases of child sexual exploitation was held in October 2000. A hotline established at the Ministry of the Interior to report cases of sexual exploitation against children was advertised on Cambodian television and started being used by the public, leading to the rescue of several victims. On-the-job training through investigation and follow-up of cases is provided to police officials by an international expert. Two training videos are being produced.

(c) Royal Cambodian Armed Forces and Royal Gendarmerie

38. Based on the annual schedule for RCAF human rights and law training issued by the Ministry of Defence, COHCHR-trained military and gendarmerie trainers continued to conduct training courses throughout Cambodia. With the support and assistance of COHCHR staff, during the period August to October 2000, approximately 1,580 members of the Royal Cambodian Armed Forces and 110 gendarmes were trained. COHCHR started reviewing the training materials used in the various military schools and academies in Cambodia, with a view to devising ways to integrate human rights aspects. A training course in Phnom Penh for high-ranking gendarmerie officers is planned for December 2000.

(d) Development of codes of conduct

39. A working group comprised of members of the Royal Cambodian Armed Forces, the Royal Gendarmerie, the Cambodian National Police, the Senate Human Rights Commission, the local NGO Cambodian Institute of Human Rights, the United Nations Educational, Scientific and Cultural Organization, COHCHR and the European Union was established to draft codes of conduct for personnel of RCAF, the Royal Gendarmerie and the National Police. Between August and October 2000, the working group, co-chaired by the Cambodian Institute of Human Rights and COHCHR, prepared the three drafts. In November 2000, a national forum involving broad participation of the institutions concerned, ministries and civil society was convened to review the drafts and provide comments prior to their finalization. COHCHR participated as a panellist to discuss the incorporation of relevant international human rights standards. It is expected that the codes will be finalized shortly and produced in pocket format for distribution to all military, gendarme and police personnel in Cambodia.

(e) Labour rights

40. COHCHR continued to provide assistance in training programmes on labour rights conducted by labour inspectors of the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation who were previously trained by COHCHR. In September and October 2000, eight training sessions were conducted in garment factories in Phnom Penh for 205 management personnel, union representatives, workers' delegates and workers.

41. In November 2000, COHCHR participated in a regional workshop on labour rights held in Phnom Penh. The workshop was organized by the Asia Monitor Resource Centre and the Cambodian Labour Organization, and involved representatives of labour organizations from the Lao People's Democratic Republic, Thailand, Viet Nam, China and Cambodia. At this workshop, COHCHR presented the international standards on labour rights and the Global Compact initiative. COHCHR also continues to monitor the work of the tripartite Labour Advisory Committee.

(f) Environment

42. In cooperation with the Ministry of Environment and the NGO Forum's Working Group on Environment, COHCHR started developing training materials to be used for an "environmental rights advocacy training programme". A training-of-trainers course for staff of the Ministry of Environment and representatives of NGOs concerned is scheduled to take place in December 2000.

43. A workshop on the elimination of illegal logging for national park rangers and military, gendarmerie and police officials was held in the province of Battambang in November 2000. It was conducted by Ministry of Environment officials with the support of COHCHR, and based on the curriculum developed by COHCHR.

(g) Trafficking

44. Several COHCHR provincial offices conducted workshops for various target groups on the issue of trafficking of human beings, based on the curriculum developed by COHCHR. Target groups mainly included primary and secondary school students and teachers, and commune and village leaders. Workshops were also conducted for provincial-level officials on human rights and democracy issues.

4. Human rights reporting obligations and implementation of recommendations made by treaty monitoring bodies

45. Cambodia is party to the six main international human rights instruments and has submitted initial reports under the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child.

46. COHCHR continues to provide assistance to the Inter-Ministerial Committee on the Preparation of Human Rights Reports to the United Nations (IMC) in the preparation of reports to be submitted in accordance with the Government's obligations under the various international human rights instruments. In the period under review, COHCHR continued to provide assistance to IMC to prepare the Government's report on the Convention on the Elimination of All Forms of Discrimination against Women. COHCHR also provided a technical drafter to assist the Ministry of Women and Veteran's Affairs and IMC in carrying out this task. As a follow-up to the recommendations of the Workshop on Human Rights Treaty Reporting organized by COHCHR and the Centre for Democratic Institutions of the Australian National University in June 2000, a representative of the NGO Committee on CEDAW (the Committee on the Elimination of Discrimination against Women) is now regularly present at the weekly meetings of IMC.

47. The draft report of the Royal Government of Cambodia on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was finalized by IMC in early 2000. In August 2000, it was submitted by IMC for final review to the Cambodian Human Rights Committee of the Royal Government of Cambodia and, at the time of writing, was awaiting release.

5. Support to non-governmental human rights groups in Cambodia

48. The enhancement of the capacity of Cambodian non-governmental organizations and other civil society organizations to carry out activities in promoting and protecting human rights is a priority for COHCHR and essential for the long-term development of rule of law and respect for human rights in Cambodia. In this respect, COHCHR provides training, legal advice and other forms of technical and financial assistance. Non-governmental organizations are key partners in the implementation of the COHCHR programme, including in the areas of monitoring, investigation and protection, law reform, education, training, information and advocacy.

49. Between August and November 2000, COHCHR facilitated the work of the Human Rights Video Production Committee of Cambodia, consisting of 12 non-governmental organizations, for the editing and production of videos on various human rights issues. Twelve videos were finalized, on issues such as the Universal Declaration of Human Rights, torture, implementation of human rights and law, right to legal representation, trafficking, domestic violence, rights of women, elections and environment. The videos are currently being broadcast on Cambodian cable television.

50. COHCHR is monitoring implementation of 14 human rights projects by Cambodian non-governmental organizations, which are being funded under the Trust Fund for a Human Rights Education Programme in Cambodia. The projects include:

(a) Production of theatre plays on human rights in Khmer;

(b) A prisoners' literacy programme;

(c) Human rights education for police and prison officials on the rights of women;

(d) Assistance to victims of violations of human rights;

(e) Training on HIV/AIDS and human rights for medical workers;

(f) Strengthening of the human rights information management capacity of local non-governmental organizations;

(g) Protection of and education for ethnic minorities;

(h) Provision of legal aid to juvenile offenders and victims of crime.

51. In addition to ongoing monitoring, including field visits, in September and October 2000 COHCHR conducted a mid-term review of the projects in cooperation with the NGOs concerned. The training materials used by these NGOs are being reviewed.

52. COHCHR continued to participate in the regular meetings of the Cambodian Human Rights Action Committee, a coalition of 17 non-governmental organizations aimed at taking coordinated action on human rights issues. COHCHR also provides assistance to provincial branches of the Human Rights Action Committee to strengthen its monitoring and protection work.

53. COHCHR provided briefings and short training sessions to a variety of groups including vulnerable women, university students and various organizations with an interest in human rights.

54. In cooperation with UNAIDS, COHCHR organized a two-day workshop on human rights and HIV/AIDS for staff of COHCHR and concerned NGOs. Participants identified critical human rights issues and concerns within the context of the HIV/AIDS epidemics in Cambodia and developed recommendations for action by both COHCHR and key NGOs.

55. Posters on minority rights, HIV/AIDS and human rights, trafficking and mob killings were designed and are being produced both for general dissemination and use in training activities. Human rights publications, instruments and training materials are regularly distributed to NGOs and governmental departments.

C. Cambodia and the United Nations Development Assistance Framework

56. OHCHR is responsible for the systemwide coordination of all matters relating to human rights, democracy and the rule of law. As part of the United Nations team in the country, in April 2000 COHCHR participated in the elaboration of the United Nations Development Assistance Framework (UNDAF) for the period 2001-2005, which identified human rights as one of four cross-cutting issues in all areas of concentration. UNDAF was prepared based on the

findings of the common country assessment for Cambodia and on the mandates, experience and comparative advantages of the various United Nations bodies and agencies working in the country.

57. In April 2000, the United Nations Country Team conducted a workshop on the mainstreaming of human rights into the UNDAF process and United Nation country programmes in Cambodia. A follow-up meeting to the workshop was held in October 2000. COHCHR continues to work towards incorporating human rights norms into the National Poverty Reduction Strategy and the Second Socio-Economic Development Plan (2001-2005) which is currently being drafted.

D. COHCHR staff and the financial situation of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia

58. COHCHR consists of one main office located in Phnom Penh, eight provincial offices and six judicial mentor's offices. The Office includes the Director's Office, the Legal Assistance Unit, the Education, Training and Information Unit, the Monitoring and Protection Unit, the Administration Unit, the Provincial Office Network and the Judicial Mentors Programme.

59. COHCHR has been involved in a wide range of activities to address the issue of trafficking at the regional and national levels. In March 2000 the Cambodian National Working Group on Trafficking was established, comprising representatives of relevant government ministries, non-governmental organizations and concerned United Nation agencies. COHCHR is involved in both facilitating preventive action by Government and non-governmental organizations, and in actual investigation and assistance to victims in individual trafficking cases. COHCHR has worked with other agencies to produce a television programme on trafficking and forced prostitution which was shown on national television. Regional initiatives to combat trafficking include nine regional projects, including:

(a) A subregional project on cross-border trafficking of the International Programme on the Elimination of Child Labour of the International Labour Organization (ILO/IPEC);

(b) An IOM project for the return and reintegration of vulnerable women and children;

(c) The Mekong Law Centre on Illegal Migration;

(d) A project of the Economic and Social Commission for Asia and the Pacific (ESCAP) on the elimination of sexual abuse and sexual exploitation of women and children in the Asian-Pacific region;

(e) An inter-agency project on trafficking in women and children in the Mekong subregion;

(f) A UNAIDS project on trafficked women and children.

60. The Asian Regional Initiative against Trafficking is encouraging all Governments in the region to draw up national plans of action against trafficking.

61. The chief of the Monitoring and Protection Unit also serves as the assistant to the Special Representative of the Secretary-General for human rights in Cambodia.

62. The provincial office network currently comprises three international advisers (United Nations Volunteers), six national human rights officers and seven national assistants. The judicial mentors, include six international legal professionals, recruited as consultants, and six national assistants.

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ADVISORY SERVICE AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

Situation of human rights in Cambodia

Report of the Special Representative of the Secretary-General for Human Rights in Cambodia, Mr. Peter Leuprecht, submitted in accordance with resolution 2000/79

GE.01-10508 (E)

CONTENTS

		Paragraphs	Page
Executive summary			3
Introduction		1 - 3	5
I.	METHODOLOGY AND APPROACH	4 - 5	5
II.	THE SPECIAL REPRESENTATIVE'S ACTIVITIES AND SOURCES	6 - 18	6
A.	Preparatory missions to New York, Vienna, Brussels and Geneva	6	6
B.	First visit to Cambodia, 26 November to 2 December 2000	7 - 17	6
C.	Second visit to Cambodia, February or March 2001	18	8
III.	MAJOR DEVELOPMENTS AND HUMAN RIGHTS ISSUES OF CONCERN	19 - 89	9
A.	Eradication of violence	23 - 33	9
B.	Rule of law, the judicial system and conditions of detention	34 - 53	12
C.	Domestic implementation of international human rights instruments	54 - 56	16
D.	Poverty and issues concerning economic and social rights	57 - 67	17
E.	Situation of women	68 - 71	19
F.	Situation of children	72 - 77	20
G.	Special tribunal to try those responsible for the crimes committed during the Democratic Kampuchea regime	78 - 81	21
H.	Communal elections	82 - 83	22
I.	Rights of minority groups	84 - 87	22
J.	The rights of human rights defenders	88 - 89	23
IV.	RECOMMENDATIONS	90 -107	23

Executive summary

The present report is submitted in accordance with resolution 2000/79 of the Commission on Human Rights. The Secretary-General appointed Peter Leuprecht (Austria) as his new Special Representative for human rights in Cambodia on 18 August 2000. As set out in Commission resolution 1993/6, the tasks of the Special Representative are: (a) to maintain contact with the Government and people of Cambodia; (b) to guide and coordinate the United Nations human rights presence in Cambodia; and (c) to assist the Government in the promotion and protection of human rights.

This is the Special Representative's first report to the Commission on Human Rights. He has not yet reported to the General Assembly owing to lack of time for a well-prepared mission prior to its fifty-fifth session. In December 2000, the General Assembly adopted resolution 55/95 on the situation of human rights in Cambodia, in which it requested the Special Representative, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to continue the work of his predecessors and to maintain contact with the Government and people of Cambodia. The General Assembly requested the Secretary-General, through his Special Representative for human rights in Cambodia, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia.

The Special Representative's declared objective is to contribute in a spirit of solidarity to the building in Cambodia of a peaceful and democratic society based on the rule of law and respect for human rights. During his first visit to the country, the Special Representative emphasized his intention to adopt an approach of respect for, and sympathy with, the Cambodian people as well as to listen to, and engage in a frank and fruitful dialogue with, all sectors of Cambodian society. He also emphasized his global and comprehensive approach to human rights issues; he thus intends to address issues of civil and political rights as well as economic, social and cultural rights. He intends therefore to pay particular attention to poverty as a human rights issue. The Special Representative stresses the responsibility of the Cambodian governmental authorities and society at large, as well as that of the international community, for the realization of all human rights in the country. He sees his role as part of a collective effort and intends to cooperate closely with international organizations, institutions, and agencies, governments, the Association of South-East Asian Nations, the European Union, international and national NGOs, and all sectors of Cambodian society.

The Special Representative intends to build on his predecessors' experience and efforts. In doing so, and as part of his method of work, the Special Representative intends to continue carrying out periodic visits to the country, including to the provinces, and to address fundamental human rights concerns as well as individual cases of human rights violations brought to his attention. He intends to maintain close contact and to consult with the authorities and the civil society of Cambodia. He will also interact with the donor community and related bodies of the United Nations human rights machinery, such as treaty monitoring bodies, thematic rapporteurs and working groups of the Commission on Human Rights, as well as with other organs and bodies of the United Nations in New York, Vienna, Geneva and Cambodia.

Before undertaking a first visit to Cambodia, the Special Representative carried out preparatory missions to New York, Vienna, Brussels and Geneva. Of particular importance were his meetings with the United Nations High Commissioner for Human Rights in Geneva as well as at the United Nations Secretariat in New York. The Special Representative also had consultations with representatives of various Governments and diplomatic missions in New York, Geneva and Vienna, as well as with representatives of the European Union in Brussels.

The Special Representative carried out his first visit to Cambodia from 26 November to 2 December 2000. The visit focused on the following five main themes: eradication of violence; rule of law; domestic implementation of international human rights treaties to which Cambodia is a party; poverty issues and economic and social rights; and the situation of women and children. Other issues discussed included the special tribunal to try those responsible for crimes committed during the Democratic Kampuchea regime, the upcoming communal elections, and corruption and impunity.

The pending signature of a memorandum of understanding between the Royal Government of Cambodia and the Office of the High Commissioner for Human Rights as well as security concerns of staff of the Cambodia office, in particular the security of those performing official monitoring and protection work, were also addressed by the Special Representative.

The Special Representative's first visit to Cambodia was intense and substantial. It afforded him a general overview of the main human rights issues in the country.

The Special Representative informed the Royal Government of Cambodia of his intention to carry out a second visit to the country during February or March 2001, before the fifty-seventh session of the Commission on Human Rights.

In section III of his report, the Special Representative raises human rights issues of concern, including on: (a) eradication of violence; (b) rule of law, the judicial system and conditions of detention; (c) domestic implementation of international human rights instruments; (d) poverty and issues concerning economic and social rights; (e) the situation of women; (f) the situation of children; (g) the special tribunal to try those responsible for crimes committed during the Democratic Kampuchea regime; (h) communal elections; (i) rights of minority groups; and (j) the rights of human rights defenders. Section IV concludes the report with the recommendations of the Special Representative.

Introduction

1. The present report is submitted in accordance with Commission resolution 2000/79. The Secretary-General appointed Peter Leuprecht (Austria) as his new Special Representative for human rights in Cambodia on 18 August 2000. As set out in Commission resolution 1993/6, the tasks of the Special Representative are: (a) to maintain contact with the Government and people of Cambodia; (b) to guide and coordinate the United Nations human rights presence in Cambodia; and (c) to assist the Government in the promotion and protection of human rights.

2. This is the Special Representative's first report to the Commission on Human Rights. He has not yet reported to the General Assembly owing to lack of time for a well-prepared mission prior to its fifty-fifth session. In December 2000, the General Assembly adopted resolution 55/95 on the situation of human rights in Cambodia. In its resolution, the Assembly requested the Special Representative, in collaboration with the Office of the United Nations High Commissioner for Human Rights, to continue the work of his predecessors, through evaluation of the extent to which the recommendations in his forthcoming reports, and those contained in the reports of his predecessors, are followed up and implemented, and to maintain contact with the Government and people of Cambodia.

3. In its resolution, the Assembly also requested the Secretary-General, through his Special Representative for human rights in Cambodia, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia. It also requested the Government of Cambodia and the office in Cambodia of the United Nations High Commissioner for Human Rights to exchange the memorandum of understanding for the extension of the mandate of the office after March 2000, and encouraged the Government of Cambodia to continue to cooperate with the office.

I. METHODOLOGY AND APPROACH

4. The Special Representative's declared objective is to contribute in a spirit of solidarity to the building in Cambodia of a peaceful and democratic society based on the rule of law and respect for human rights. The way in which he approaches his mission can be summarized in five points:

(a) He has profound respect for, and sincere sympathy with, the Cambodian people;

(b) He intends to listen to, and to engage in a frank and fruitful dialogue with, all sectors of Cambodian society;

(c) His approach to human rights is global and comprehensive, thus including civil, political, economic, social and cultural rights; he intends to pay serious attention to poverty as a fundamental human rights issue;

(d) He emphasizes the responsibility not only of the Cambodian society and authorities, but also of the international community for the realization of human rights in the country;

(e) He sees his role as part of a collective effort; he therefore intends to cooperate closely with international organizations, institutions and agencies, Governments, the Association of South-East Asian Nations (ASEAN), the European Union, international and national non-governmental organizations and all sectors of Cambodian society.

5. The Special Representative would hereby like to pay tribute to his predecessors, Thomas Hammarberg and Michael Kirby, for their commitment to the promotion and protection of human rights in Cambodia. The Special Representative intends to build on his predecessors' experience and efforts. He will continue with the practice of carrying out periodic visits to the country, including to the provinces, and addressing fundamental human rights issues as well as individual cases of human rights violations brought to his attention. He intends to maintain close contact and to consult with the authorities and the civil society of Cambodia. He will also interact with the donor community and related bodies of the United Nations human rights machinery, such as treaty monitoring bodies, thematic rapporteurs and working groups of the Commission on Human Rights, as well as with other organs and bodies of the United Nations in New York, Vienna, Geneva and Cambodia.

II. THE SPECIAL REPRESENTATIVE'S ACTIVITIES AND SOURCES

A. Preparatory missions to New York, Vienna, Brussels and Geneva

6. Before his first visit to Cambodia, the Special Representative carried out preparatory missions to New York, Vienna, Brussels and Geneva, in October and November 2000. Of particular importance were his meetings with the United Nations High Commissioner for Human Rights in Geneva as well as at the Secretariat. He also met with representatives of various Governments and diplomatic missions in New York, Geneva and Vienna, as well as with representatives of the European Union in Brussels.

B. First visit to Cambodia, 26 November to 2 December 2000

7. The Special Representative carried out his first visit to Cambodia from 26 November to 2 December 2000. This visit focused on five main themes, namely:

Eradication of violence;

Rule of law;

Domestic implementation of international human rights treaties to which Cambodia is a party;

Poverty issues and economic and social rights; and

Situation of women and children.

8. The Special Representative also discussed the following issues: the draft law to establish a special tribunal to try those responsible for serious crimes committed during the Democratic Kampuchea regime; the upcoming communal elections; corruption and impunity; the pending

signature of a memorandum of understanding between the Royal Government of Cambodia and the office in Cambodia of the High Commissioner for Human Rights; as well as security concerns of staff of the Cambodia office, in particular the security of those performing official monitoring and protection work.

9. The Special Representative commends the Royal Government of Cambodia on its openness and spirit of cooperation throughout his visit.

10. The Special Representative's first visit to Cambodia was intense and substantial. It afforded him a general overview of the main human rights issues in the country. The Special Representative had an audience with the King of Cambodia, His Majesty King Norodom Sihanouk. He also met with several senior government representatives, including the Prime Minister, the Minister for Foreign Affairs and International Cooperation, the Minister of Finance, the Minister of Women's and Veteran's Affairs, the Co-Minister of the Interior, the Chairman and members of the governmental Cambodian Human Rights Committee, the President of the Senate, the President of the National Assembly, and the President and members of the Senate Commission for Human Rights and Reception of Complaints. Moreover, the Special Representative met with the members of the Constitutional Council and the General Prosecutor of the Court of Appeal.

11. The Special Representative also consulted with leaders of different political parties, various national and international NGO representatives, representatives of United Nations agencies, members of the donor and diplomatic communities, and representatives of the World Bank, which currently chairs the meetings of the Consultative Group and the Contact Group on Good Governance. These meetings were relevant not only as an additional means of gathering information but also in view of the Special Representative's interest in further encouraging them to work towards advancing human rights for all in Cambodia.

12. At his request, the Special Representative visited two detention centres in Phnom Penh: the Phnom Penh prison formerly called PJ (for Police judiciaire) prison and the Tuol Sleng military detention centre. In both centres, the Special Representative was permitted access to all detainees. Notably, the Special Representative had a non-confidential brief interview with former Khmer Rouge officials Ta Mok and Deuch, both awaiting trial in the military detention centre. This visit is remarkable as very few people had until then been permitted access to them. Both Ta Mok and Deuch told the Special Representative that they were in good health and properly treated by the authorities. In recognition of the painful history suffered by the people of Cambodia, the Special Representative visited the Tuol Sleng museum in Phnom Penh (S-21 prison between 1975 and 1979).

13. In his audience with His Majesty the King, the Special Representative was assured of His Majesty's continuing support for the Cambodia office. The King expressed his hope that the office would continue its excellent work for years to come. With regard to the tribunal to try the crimes of the Khmer Rouge, His Majesty reiterated that if and when the trial is held he will testify.

14. At the meeting with the Prime Minister, the Prime Minister expressed his views on economic issues and the commitment of his Government to the reduction of poverty. The

Prime Minister provided the Special Representative with an update on some governmental reform programmes with respect to the armed forces, commune administration, the legal system, the judiciary and the economy. The Special Representative expressed his appreciation for the global approach that the Prime Minister advocates with respect to human rights and urged him to strengthen efforts to reduce the gap between rich and poor in the country.

15. The Special Representative met with the Minister for Foreign Affairs and International Cooperation on two separate occasions. At their first meeting, early on in the visit, the Special Representative stated his intended approach in fulfilling his mandate and the focus of his first visit to the country. At their second meeting, towards the end of the visit, the Special Representative discussed with the Minister the various areas in which he intended to make recommendations in his report to the Commission on Human Rights.

16. At both meetings, the Special Representative also raised the issue of the outstanding extension of the memorandum of understanding between the Royal Government of Cambodia and the office in Cambodia of the High Commissioner for Human Rights. The previous memorandum expired on 28 February 2000 and negotiations for its extension have been taking place since the third quarter of 1999. Following the first meeting with the Special Representative, the Minister informed him by letter that the Royal Government had no objections to the MoU provisions relating to the privileges and immunities of United Nations national staff, which had been the subject of discussion for several months. In the same letter, the Minister indicated that the Royal Government objected to the provisions concerning functional immunity of individuals participating in United Nations seminars, workshops and other events. During the second meeting, the Special Representative presented the legal grounds of the provision to which the Royal Government objects, and explained that the provisions concerned are standard clauses contained in all agreements between the United Nations and host countries for the organization of conferences, seminars and similar activities. It was agreed that the issue would continue to be discussed by correspondence. Following his return to Canada, the Special Representative wrote to the Minister outlining in greater detail the legal aspects of the question and asking the Royal Government to reconsider its position in order to conclude the negotiations on the MoU in the near future.

17. At the end of his first visit, the Special Representative gave a final briefing to the diplomatic community. He also held a press conference for the national and international press.

C. Second visit to Cambodia, February or March 2001

18. The Special Representative informed the Royal Government of Cambodia of his intention to visit the country in February or March 2001, before the fifty-seventh session of the Commission on Human Rights. This second visit will allow the Special Representative to obtain information on issues raised during his first visit in order to update this report for consideration by the Commission on Human Rights at its next session, to be held from 19 March to 27 April 2001.

III. MAJOR DEVELOPMENTS AND HUMAN RIGHTS ISSUES OF CONCERN

19. The current Government has been in place since November 1998. The Government is a coalition of the Cambodian People's Party, which exercises most control over the main State organs, and the United National Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC). After the destruction of State institutions during three decades of war and conflict, the country has gradually taken steps towards the establishment of new State institutions and the development of a legal framework. One of the main challenges today is the real application of the law and the effective functioning of the established institutions. The training of human resources continues to be of great importance.

20. With the support of the international community, the Government has initiated government policies and programmes in important areas such as good governance, poverty reduction, socio-economic development, legal and judicial reform, children, women, trafficking and sexual exploitation of children, and HIV/AIDS.

21. On 30 April 1999, Cambodia became the tenth member of ASEAN. Cambodia's membership in ASEAN and the ASEAN Free Trade Area (AFTA) is likely to have significant political and economic implications for the country.

22. Before addressing specific issues, the Special Representative would like to express his conviction that four fundamental evils continue to affect Cambodian society and to hamper the enjoyment of human rights by all the peoples of Cambodia: violence, a still alarming degree of "lawlessness" (as opposed to rule of law), poverty, and corruption. The Special Representative has reason to believe that Cambodian authorities are aware of these evils and are willing to address them.

A. Eradication of violence

23. Violence pervades many facets of life. The Special Representative notes the unacceptably high rates of domestic violence, political violence, possession of small arms, trafficking of women and children, land disputes, violence against minorities, etc. Although eradication of violence is a long-term goal, concrete actions towards this goal must be taken in the short term. The attainment of this goal will require concerted efforts on the part of governmental authorities as well as the society in general. Cambodia's recent history has been marked by extreme violence and it is essential that the cycle of violence be broken.

1. Political violence

24. In view of the upcoming communal elections, political violence represents a serious danger. The Special Representative expresses deep concern at the prospect of political intimidation and politically motivated violence against those desirous of partaking in political activity. The Special Representative asked the Prime Minister that he issue a clear and firm message condemning all acts of political violence and intimidation. This request was met with some scepticism on the part of the Prime Minister who expressed the view that political violence does not occur in Cambodia.

25. Non-governmental human rights organizations as well as the Cambodia office reported instances of political violence to the Special Representative. The Cambodia office has brought several cases to the attention of relevant government authorities, both at the central and provincial levels.

26. Several such incidents of political violence or violence in which political actors were the target were reported to the Cambodia office during the last six months. On 3 June 2000, in Kampot, a known FUNCINPEC candidate for commune chief and his wife were murdered. The investigation conducted by the Cambodia office and local human rights NGOs seemed to indicate that the killings were politically motivated and that the present commune chief was involved. The Ministry of the Interior informed the Cambodia office that a government committee to investigate the incident had been established. The committee later reached the conclusion that the commune chief was responsible, but claimed that the motive for the killing was personal. The Special Representative welcomes the arrest of the commune chief on 17 August 2000.

27. The Special Representative also welcomes the arrest of three suspects in the killing on 17 August 2000 of a Sam Rainsy Party member in Kompong Cham province. In another case, a Sam Rainsy Party member was killed on 22 August 2000 in Prey Veng province. While a preliminary investigation by a local human rights organization led to evidence of a personal motive for the killing, the Cambodia office is not yet in a position to confirm or to exclude a possible concurrent political motive.

28. In Phnom Penh on 29 September 2000, a person in the uniform of a military officer threatened at gunpoint a member of Parliament of the Sam Rainsy Party. Later, on the site of the incident, similar threats were also directed at staff of the Cambodia office. On 6 November 2000, the Cambodia office was informed of a complaint filed at the Phnom Penh Municipal Court by the officer, a deputy officer and rank and file members of the Investigation and Intelligence Unit of the Royal Cambodia Armed Forces (RCAF) against the member of Parliament for defamation of the Unit. In a reply dated 7 December 2000 to a request to the Minister of National Defence by the Cambodia office to investigate the allegations, the Director-General of the General Department of Military Services stated that the officer concerned had not been on active duty in the military since 1998 and that a letter of complaint to the Prosecutor attached to the Military Court, dated 5 October 2000, was filed requesting that he be arrested and prosecuted, in accordance with the law. While the Cambodia office appreciates the explanation provided for the complaint filed with the Municipal Court, no information was provided regarding the results of the investigation. In particular, no reason was given as to why the former military officer was armed and in uniform at the time the incident took place. At the same time, it is important to note that if the officer is no longer a member of the RCAF, the Military Court would not have jurisdiction in the case.

29. In the early hours of 24 November 2000, an outbreak of violence occurred in the streets of Phnom Penh when between 40 and 50 heavily armed men launched assaults around the city. Security forces arrested more than 200 people suspected of anti-Government activities or believed to have connections with the Cambodian Freedom Fighters, the group that has publicly

acknowledged having organized and conducted the assaults. The majority of those arrested were apprehended without issuance of proper warrants of arrest. Most of those arrested were not brought before a court within the legally prescribed period of 48 hours.

30. The number of deaths related to the incident remains unconfirmed though seven deaths were initially reported by government authorities following the attacks. As the incident coincided with the arrival of the Special Representative in the country, he immediately called for a serious inquiry, conducted in accordance with the principles of due process, rule of law and fair trial. This request was further emphasized by the Special Representative during several of his interviews with relevant government authorities, including with the Prime Minister himself. The Cambodia office appreciated having access to some of those arrested. It continues to monitor closely the cases of those arrested and the further arrests being made, including at the provincial level. The Special Representative was puzzled by statements made to him by detainees in the military detention centre according to which they had been arrested on 17 November 2000 in connection with the events of 24 November 2000. He expresses the firm hope that these events will not precipitate a new era of violence in Cambodia.

2. Torture

31. The Special Representative received information about the occurrence of torture, particularly in police custody. Statistics presented by a non-governmental human rights organization show that from January to September 2000, out of 2,228 prisoners interviewed, 19 per cent claimed to have been tortured in police custody and 2 per cent claimed to have been abused in prison. Often victims are too afraid to file complaints and in some of those cases where victims have submitted complaints to the court, they subsequently suffer further intimidation. On 24 November 2000, the Cambodia office sent a report to the Royal Government of Cambodia detailing 20 cases of reported torture which occurred in two police stations in Battambang province during 1998/99. The Special Representative called for serious investigations of these allegations by the relevant authorities; he expects to be informed of the results of these investigations during his next visit to the country.

32. In view of the increasing number of reports of excessive violence used by police during arrest, systematic gathering of information regarding police violence was initiated by the Cambodia office in September 1999. A report with detailed information on several incidents will be presented by the Cambodia office to the relevant authorities in the near future. Recommendations for corrective actions as well as preventive measures will be part of this report.

3. Mob violence

33. Between January and October 2000, the Cambodia office, in cooperation with non-governmental human rights organizations, gathered information regarding 22 cases of mob violence. As discussed below, there is a general mistrust of the judicial system which is seen as corrupt and favourable to the rich and powerful. Of great concern is the direct or indirect involvement of or inaction by the police in many of the reported cases. In some cases, victims were arrested by police and later killed by mobs.

B. Rule of law, the judicial system and conditions of detention

34. Despite a number of laws existing on paper, a sense of lawlessness prevails owing to the failure to implement these laws, the issue of impunity, and the lack of independence of the judicial system. These issues are reflected in several resolutions of the Commission on Human Rights and the General Assembly.

35. Impunity is one of the fundamental challenges faced by Cambodia. Several NGOs brought to the attention of the Special Representative cases of human rights violations in which government authorities had taken no action. In those cases where action is taken, justice is rarely served.

1. Corruption

36. Corruption in Cambodia is generalized and systemic. There are, of course, no simple solutions. Corruption is both result and cause of all other problems. Corruption cannot be addressed in isolation from other considerations. Nonetheless, it is essential to build a society in which corruption is morally, culturally, as well as legally unacceptable. According to NGOs, corruption is widespread in the judicial system; perpetrators can buy justice, and police and court officials often broker deals between victims and perpetrators while keeping for themselves a share of the compensation.

37. At the request of the Royal Government of Cambodia, the World Bank was called upon to provide assistance for capacity-building in enhancing good governance and combating corruption. The Government recognizes that strengthening governance and combating corruption is an integral element of the promotion of sustainable development.

2. Independence of the judiciary

38. The lack of independence of the judiciary is a serious obstacle to establishing the rule of law. During the Special Representative's first visit to the country, he raised the issue with various members of the Government and the judiciary, as well as with representatives of the civil society. The General Prosecutor of the Court of Appeal, who spoke with remarkable frankness, painted a bleak picture of the present state of the judiciary. Despite the constitutional guarantees of separation of powers and independence of the judiciary, judicial independence is often undermined in practice. It is threatened mainly by direct and indirect interference by the executive and powerful private entities.

39. The absence of proper training and human rights education of judges and prosecutors contributes to their lack of independence. Moreover, legal gaps and the mixed nature of the legal system tend to create some confusion in the application of relevant laws and procedures. Another important factor is the unrealistically low salaries of judges and court officials. Unable to make a living on such salaries, judges and court officials are all the more susceptible to the lure of corruption. The independence of the judiciary is further hampered by the affiliation of judges and prosecutors with political parties and interference in judicial matters through circulars and orders of the executive. Such lack of independence erodes the rule of law as well as the people's trust in the legal system. The Supreme Council of Magistracy was created to ensure the

independence of the judiciary and has direct responsibility for taking disciplinary actions against judges and prosecutors through the Disciplinary Committees. The Special Representative stresses the need to ensure the independence and authority of the Supreme Council of Magistracy, which should take action against those judges and prosecutors who do not perform their duties in accordance with the law.

40. The Prime Minister briefed the Special Representative about the Government's plans for legal and judicial reform. A draft Master Plan of Action for Judicial Reform, dated September 2000, recognizes the urgent need for immediate and decisive reform of Cambodia's judicial system and law-making procedures. It states that "a complete, predictable and transparent legal framework and an independent, responsible and capable judiciary are the foundations of the rule of law and underpin the development of democracy, a market economy and social justice". The goals of this reform are said to include the restoration of the confidence of the Cambodian people in the legal and judicial system by promoting, protecting and enforcing economic and civil rights and obligations. The Special Representative commends the Government of Cambodia for its willingness to bring such issues to the forefront of reform and to proceed in close coordination and consultation with all actors involved, including NGOs and the donor community. The Special Representative is further encouraged by the project's focus on the following areas requiring reform: (a) the law-making process, including the publication of laws; (b) education and training of legal experts; and (c) the judicial process. In achieving these reforms, the Special Representative would like to see further attention paid first and foremost to the independence of the judiciary and to restoring the confidence of the Cambodian people in the legal and judicial system.

41. The Special Representative was informed of the findings of a preliminary assessment regarding the justice system in the former Khmer Rouge area of Pailin municipality conducted by the Cambodia office. In order to obtain a more comprehensive understanding of the justice system in the Pailin, the Cambodia office, during the second half of 2000, conducted several interviews in Phnom Penh and Battambang and carried out several visits to Pailin. The findings of the assessment as well as recommendations for action will be addressed by the Cambodia office to the relevant authorities in the coming months.

3. Legislative reform

42. In terms of legislation, the Special Representative notes that with the assistance of foreign legal experts, the Ministry of Justice completed the drafting of the Code of Criminal Procedure and the Penal Code to be adopted by Parliament. A draft land law, a new Civil Code and a Code of Civil Procedure are currently also in preparation. The Special Representative calls on Parliament to ensure that all legislation is in accordance with international human rights standards.

4. Conditions of detention

43. Conditions of detention in Cambodian prisons leave much to be desired. In spite of the country's general financial limitations, some important efforts in the penitentiary system have been made. The Special Representative encourages the Government to continue in this direction.

He notes the important aid offered by the Government of Australia to the Ministry of the Interior as well as the valuable assistance to many of the prisons directly provided by several NGOs, including at the provincial level.

44. The Special Representative notes a continuing problem of mixing different categories of prisoners, in contravention of the United Nations Standard Minimum Rules for the Treatment of Prisoners. In most cases, pre-trial detainees are not separated from convicted prisoners and minors are not kept separate from adults. Furthermore, prisoners convicted of petty crimes are imprisoned with those convicted of serious crimes. Most prisons do not have a distinct compound for women prisoners and very often, women are detained in the same building as men but in separate blocks; in other cases women are detained in a cell block in a separate building but adjacent to the men's building.

45. Cambodian prisons are seriously overcrowded. The total prison population has been growing rapidly over the last few years, yet little is being done to accommodate this increase. Prisoners are being transferred from some of the most crowded prisons to the new T3 prison on the outskirts of Phnom Penh. Although larger than the old T3 prison, it is not large enough to permit sufficient transfers from all overcrowded prisons. Continuous monitoring of the prison conditions by the Cambodia office as well as by several NGOs has also provided the Special Representative with information concerning the lack of appropriate medical services and insufficient medicine and medical facilities and equipment in Cambodian prisons. Prisoners' physical health is often compromised by lack of sufficient food and water, poor personal hygiene and lack of exercise and fresh air. It was reported that 1,000 riel per prisoner per day (about US$ .30) is budgeted for food. However, the whole amount, already very low, is rarely spent in its entirety for providing food. Prison authorities use the funds for other purposes such as for transportation of detainees to courts.

46. During his visit to the PJ prison in Phnom Penh, the Special Representative noted that the state of the building does not permit proper ventilation and contributes to the poor hygienic and environmental health conditions in the prison. He was also struck by the total lack of privacy experienced by prisoners. Moreover, there do not seem to be any educational or reintegration programmes in the prison system in general. The need for education of young prisoners is particularly urgent.

47. The Special Representative also received information about shackles being used in some prisons. In Kompong Som, the prison director ordered leg shackles to be used on one prisoner for 37 days; security in the prison was given as the justification for this measure. Security was also the reason given for the use of shackles on nine prisoners for almost a month in Kompong Thom prison. Most recently, staff of the Cambodia office reported that one prisoner in Kompong Cham Provincial Prison who was receiving medical treatment while in custody at the Provincial Hospital in Kompong Cham was obliged by the prison guards to wear shackles 24 hours a day. Following an intervention by the Cambodia office at the central level, the Prison Department of the Ministry of the Interior promptly ordered the prison guards to remove the shackles from that prisoner. It is noted that the use of shackles is a violation of Cambodian law and is not in accordance with international human rights norms.

48. Another problem reported to the Special Representative is corruption in Cambodian prisons. Payment is very often required for illegal and legal release, for family visits, medical treatment, and even for water. It is alleged that part of the food brought by family members to the inmates is often taken by guards. The application of disciplinary measures not in accordance with the prison procedures is also of concern to the Special Representative.

49. Excessive pre-trial detention and the lack of a juvenile justice system are matters of serious concern. According to monitoring reports of 20 prisons by a local NGO, at the end of September 2000, 221 adult prisoners were held in pre-trial detention exceeding six months and 26 minors were held for periods exceeding two months. At least six of the adults had been kept in pre-trial detention for more than one year. It is fundamentally important that the legal limitations on pre-trial detention be respected.

5. Re-arrests

50. The Special Representative was updated on another issue of great concern: illegal arrest and detention with implications for the independence of the judiciary. On 3 December 1999, the Prime Minister issued Instruction 167 ordering the armed forces nationwide to re-arrest persons suspected of armed robbery, kidnapping and drug trafficking who had previously been released by Cambodian courts because charges had been dropped while they were free on bail or before they had served their sentences. The Prime Minister's instruction was prompted by allegations of an increase of such crimes and irregularities in the post-arrest process. Shortly after Instruction 167 was issued, the Minister of Justice suspended a judge and a prosecutor from the Phnom Penh Municipal Court. The Instruction also called for the establishment of a working group at the Ministry of Justice to investigate the alleged irregularities in the courts. The Special Representative acknowledges the existence of problems in the judicial system; however, any measures taken to address such problems must be in accordance with the law. Charges of bribery should be filed where appropriate and the Supreme Council of Magistracy, the body overseeing the functioning of the judiciary, should adopt measures against judges and prosecutors found guilty.

51. As of the end of November 2000, the Cambodia office had accounted for 37 re-arrested persons remaining in custody in a Phnom Penh prison and at Correctional Centres 1 and 2. All the others, including those re-arrested in the provinces, had been released. Some of the re-arrested persons were tried again for the same crime and were either convicted or released. Those convicted were released after serving their sentence. The 37 people, who had been in custody for almost one year, had neither been charged nor tried. This is a violation of the 1992 United Nations Transitional Administration in Cambodia (UNTAC) Criminal Code, still in force, which limits the period of pre-trial detention to a maximum of six months.

52. The Special Representative discussed the arrests with the Constitutional Council and also noted that on 8 November 2000 the Minister of Justice addressed a memorandum to the Prime Minister, proposing to group the persons who remained in custody into three categories: a first group of 5 persons comprising those who had been released on bail, whom the court would order to return to custody to await trial; a second group of 24 persons who should be released

immediately by the court; and a third group of 8 comprising those against whom evidence of new crimes had been found. A new case file would be opened for those in the third group, and a trial would be held related to the new crimes.

53. Subsequently, on 22 November 2000, the Minister of Justice addressed a memorandum to the President of the Phnom Penh Municipal Court and the Prosecutor attached to the Phnom Penh Municipal Court, informing them that the Prime Minister had given his approval to the actions recommended and instructing them to issue release orders for 24 persons. While the Special Representative welcomes efforts to address the problem of re-arrests, none of the measures proposed can rectify the unconstitutionality of Instruction 167 and the subsequent illegal arrests and detention that have occurred since December 1999. Concerns regarding the re-arrest order and further developments were also brought to the attention of the Special Rapporteur on the independence of judges and lawyers by the Cambodia office. Respect for the rule of law should not be undermined while addressing the issue of re-arrests.

C. Domestic implementation of international human rights instruments

54. Cambodia is a party to many international human rights treaties. This is an encouraging sign of the country's commitment to human rights. It is essential to ensure the effective implementation of these treaties in domestic law as well as their application by domestic courts. Implementation of international treaties offers an important avenue for the advancement of human rights for all Cambodians.

55. Cambodia must respect its reporting obligations under international human rights treaties. In particular, the Special Representative urges the Royal Government to submit its now completed initial report to the Committee against Torture. The Special Representative also urges the Royal Government to finalize the initial report on the implementation of the Convention on Elimination of All Forms of Discrimination against Women which has been under review by the Inter-Ministerial Committee on the Preparation of Human Rights Reports to the United Nations and the Ministry of Women's and Veterans' Affairs for several months. The Government should also commence work on the initial report on the implementation of the International Covenant on Economic, Social and Cultural Rights. The Cambodia office is providing assistance to the Royal Government in this area, and is ready to continue to do so.

56. Another crucial element in this process is the implementation of recommendations by treaty bodies. The Special Representative commends the efforts of the Cambodian National Council for Children, with the assistance of the Cambodia office and UNICEF, in preparing a workshop to follow-up on the concluding observations of the Committee on the Rights of the Child. The Special Representative encourages the Government to continue to pay close attention to the recommendations of treaty bodies, to regard their implementation as an important means of promoting human rights in the country, and to integrate them in its reform plans.

D. Poverty and issues concerning economic and social rights

1. Poverty

57. The issue of poverty is at the core of the Special Representative's global approach to human rights. Cambodia is one of the world's 20 poorest countries. The reduction of poverty, through national and international investment and assistance and redistribution of wealth, is essential for the attainment of stability, peace and sustainable development. While the Special Representative recognizes that the resources of the Royal Government of Cambodia available for poverty reduction are limited, he nonetheless advocates a more equal distribution of available resources. According to the Cambodia Human Development Report 2000, Cambodia has one of the lowest Human Development Indexes in the region and it is estimated that 38 per cent of the country's households live below the poverty line, of which 40 per cent of them in rural areas. About 35 per cent of Cambodian workers are reported to have multiple jobs or to be engaged in multiple income-earning activities, reflecting low salaries and low levels of productivity in self-employment activities, including agriculture. Farming, fishing and forestry are reported to be the most important occupations in Cambodia, with 71 per cent of male workers aged 15 years and over engaged in one of these sectors. A high percentage of female workers, 79 per cent, also reported these activities as their primary occupations. The 2000 Report, which focused on children and employment, also reflected a significant child labour problem in Cambodia with 42 per cent of children aged 5 to 17 years engaged in some form of work.

58. In spite of some progress in demobilization, a disproportionate part of the national budget is still spent on the military. Further progress with regard to demobilization is of the essence; at the same time, the Special Representative recognizes the need for training and reinsertion of soldiers into other spheres of economic and social life before demobilization can take its full course.

59. Cambodia is heavily dependent on international assistance. External aid accounts for almost 60 per cent of the national budget. At the same time, it must be recognized that many other countries receive considerably more aid per capita than Cambodia. In 1996 (the most recent year for which comparable data are available), Cambodia was only sixty-seventh in a list of 166 countries ranked by the World Bank in order of aid per capita. The Special Representative strongly appeals to the international community to increase its assistance to Cambodia. Human rights concerns should be properly taken into account in all assistance programmes. Strong emphasis should be put on the development of local capacity.

60. The Special Representative was informed of initiatives for poverty reduction within the United Nations Development Assistance Framework (UNDAF) for the period 2001-2005. He intends in further visits to familiarize himself with important coordinated efforts in this regard. In particular, he would like to encourage the close coordination of efforts with the Office of the High Commissioner for Human Rights.

61. Aid from member States of the European Union (EU) and the European Commission represents nearly 30 per cent of the total aid from all donors. The Special Representative notes with satisfaction that poverty reduction is the overriding focus of EU aid interventions which

also aim to support human rights and to consolidate democracy in Cambodia. The Special Representative strongly encourages the EU to intensify its efforts in this direction and to increase its assistance to Cambodia.

2. Education

62. Education in Cambodia correlates closely to the problem of poverty, the social environment and a lack of political will to invest in education, which results in a low national budget for education and low awareness of the importance of education in the community. About half a million of the children aged 6-11 years have no access to education in Cambodia while 50 per cent of those who entered grade 1 either dropped out of school or had to repeat the class. Despite a large increase in school enrolment in recent years, less than 50 per cent of children reach grade 5 and less than 2 per cent graduate from high school. Some of the causes identified include the low quality and commitment of teachers owing to their low salaries and lack of expertise; the need for a child labour force which prevents children from attending school, especially in the case of young girls; the insufficient number of schools and the need to travel great distances to attend them in remote areas of the country. The Special Representative stresses the importance of an increase in the national budget for formal and non-formal education, the availability of free primary education for all children and the creation of more vocational schools leading to desirable job opportunities.

3. Labour rights

63. On labour issues, the Special Representative was informed of progress in Cambodia's labour movement since 1996. Unions are increasingly common and many are organized in federations. The Special Representative notes the fragile but positive development of the three major federations existing today: the Free Trade Union of Workers of the Kingdom of Cambodia, the National Independent Federation Textile Union of Cambodia and the Cambodian Union Federation. This last one is still influenced, to some degree, by the Government.

64. The Special Representative welcomes the creation of an Inter-Ministerial Commission to receive labour complaints and to recommend corrective action to the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation and the Ministry of Commerce. Also, the Special Representative welcomes the steps being taken to establish a Labour Monitoring Team with the support and assistance of the Government of the United States of America and the International Labour Organization. This team is to monitor labour conditions independently in Cambodia. The Cambodia office has organized, in agreement with the Ministry's Labour Inspection Department, two three-month training programmes on Cambodia's Labour Code and labour rights for government labour inspectors. With the assistance of the Cambodia office, 15 trained government labour inspectors conducted training for managers, trade union representatives and workers in 24 factories in Phnom Penh.

65. During his visit, the Special Representative was made aware of some abuses of labour rights. Management and the Government must respect the provisions of the Labour Code. In February 2000, police officers used excessive force in Phnom Penh to break up two labour demonstrations. Also in February 2000, 51 workers who had been trafficked into Cambodia

from China and Viet Nam, were rescued from a garment factory where they had been held against their will without having been paid. There was a report in April 2000 that a union leader at a garment factory was suspended for his involvement in the labour movement.

66. The complex situation of migrant workers calls for attention. In a case reported to the Cambodia office, an employer withheld salary from a Chinese national employee and confined him to the factory's compound. Later the employer threatened to send the employee back to China. The employee objected and insisted on receiving his full salary before leaving. Some employers confiscate their workers' personal legal documents, thus unduly restricting their freedom of movement. There seems to be a tendency on the part of employers to ignore both international standards and Cambodian laws in their contracting and treatment of employees, arguing that their own national law, in this case Chinese law, should apply to the employment contract.

4. Land grabbing

67. A large number of forced evictions, as well as land disputes and related security threats and intimidation of people, in particular of minority groups, were reported during the year 2000 to the Cambodia office. The Special Representative has been informed of the status of the Immovable Property Bill 2000 currently before the National Assembly, as well as on the work done in this regard by the National Assembly's Commission on Religion, Culture, Education and Tourism as the responsible commission for the preparation of this bill. The Land Law Working Group has made valuable contributions in the drafting of the legal text, as well as in raising major concerns. The Special Representative intends, during his next mission to the country, to visit one or two provinces in which Land Dispute Committees are functioning and to inquire into this important issue in more detail.

E. Situation of women

68. According to the 1998 census, 51.81 per cent of the total population are women and an estimated 74.3 per cent of the total population live in the rural areas. It is estimated that 25.7 per cent of Cambodian households are headed by women. In Cambodia, domestic violence greatly affects women and children who are often dependent on male family members. The perpetrators of domestic violence often go unpunished. The Minister of Women's and Veteran's Affairs is actively involved in promoting draft legislation on domestic violence. This issue should be addressed both by passing this draft bill and by including provisions on domestic violence in the Penal Code.

69. The Special Representative urges the Government to pursue efforts to address the serious problems of trafficking and sexual exploitation of women and children. He stresses the importance of implementing the Five-Year Plan against Sexual Exploitation and Trafficking of Children adopted by the Council of Ministers in April 2000. The Ministry of the Interior should continue its efforts to draft a law against sexual exploitation of children. It will be important to monitor the implementation and impact of the project of the Minister of Women's and Veteran's Affairs on prevention of trafficking and of the project of the Minister of Justice, with the assistance of the Japanese Institute for Legal Development, for the review of legislation combating trafficking and sexual exploitation. Furthermore, the Special Representative has been

informed of an initiative of the Ministry of Social Affairs, Labour, Vocational Training and Youth, in collaboration with UNICEF, for the return and reintegration of children and women trafficked between Cambodia, Thailand and Viet Nam.

70. Given the multiplicity of projects and actors on this issue, effective coordination is essential. Prosecutors and the police should cooperate and courts should punish offenders, whether they are Cambodian or non-Cambodian. Furthermore, it is essential to recognize that trafficked women and children are victims rather than "social evils"; a non-punitive approach should be taken towards them.

71. The Cambodia office and NGOs briefed the Special Representative on several cases of trafficking of women and children in which they had requested the intervention of the relevant authorities for the rescue of victims. While victims were often rescued, protected and given legal assistance, in most cases perpetrators were not apprehended and investigations were not pursued. In some cases investigated by the Cambodia office, the victims were very young girls of Vietnamese origin who had been trafficked into Cambodia. One case of trafficking and alleged sexual exploitation of seven young women from Eastern Europe was reported to the Cambodia office. The Special Representative intends to address this issue in the course of future visits, in cooperation with the relevant government authorities, international agencies and non-governmental organizations working in this area.

F. Situation of children

72. According to the 1998 census, 42.8 per cent of the Cambodian population are children between 0 and 14 years of age. In his meeting with NGOs concerned with children's rights, the Special Representative was made aware of problems directly affecting children, including: poverty; lack of adequate basic health services for children; limited access to education, particularly for girls and in rural areas; sale of children; trafficking and sexual exploitation; irregularities in adoptions; HIV/AIDS; domestic violence; obstacles to birth registration; care of orphans; children in detention and others.

73. Cambodia lacks an efficient birth registration system. While birth registration is officially free of charge, in practice an irregular payment is required. This payment often deters parents from registering their children's birth, which in turn prevents children from having accurate documented proof of their age and proper access to social services. The Special Representative stresses the need for birth registration to protect children from exploitation in trafficking, child labour and the commercial sex trade. The Special Representative was informed of a recently issued subdecree on birth, marriage and death registration. The implementation of this subdecree will require both national and international investment.

74. While child labour in the commercial sex industry is certainly a cause for concern, the Special Representative was informed that, contrary to recent information disseminated at the international level, it is not pervasive in the garment industry. However, NGOs do report that children as young as 14 work in brick and shoe factories, in contravention of the legal minimum age for non-hazardous work in Cambodia of 15 years.

75. The Special Rapporteur on the sale of children, child prostitution and child pornography has urged the Government to address the many allegations of collusion of members of the police and the judiciary with traffickers and brothel owners who are using children in prostitution.

76. The Government is addressing the issue of inter-country adoption through new legislation. The law should be complemented by effective mechanisms to monitor foreign and local adoptions and ensure that adopted children can keep in close contact, if desired, with their families, culture and country of origin. The Special Representative intends to look further into this important issue during a future visit.

77. The Special Representative is concerned by the incidence of excessive pre-trial detention of children. This contravenes domestic law and international human rights norms. Also of concern, as mentioned above, are the conditions of detention. Juveniles, in particular, need appropriate services while in detention in order to ensure the respect of their rights and to facilitate their reintegration into society following the detention period. In conformity with the Convention on the Rights of the Child, to which Cambodia is a party, the establishment of an adequate juvenile justice system is of the utmost importance.

G. Special tribunal to try those responsible for the crimes committed during the Democratic Kampuchea regime

78. The Special Representative sought information regarding the draft legislation to establish a special tribunal to try those responsible for the most serious crimes committed during the Democratic Kampuchea regime. The Prime Minister assured the Special Representative of the Government's will to have the law adopted by Parliament. According to the Prime Minister, this law is second only to the national budget on the Government's list of legislative priorities. At the time of the Special Representative's visit to Cambodia, the draft law, which resulted from negotiations between the United Nations and the Royal Government of Cambodia, was being discussed by a Senior Minister in charge of the Office of the Council of Ministers and by the Legislative Commission of the National Assembly. The President of the National Assembly stated that the law will be adopted before the end of the present session of Parliament, i.e. by the middle of January 2001 at the latest.

79. The Special Representative also insists that the legislation to be adopted by the National Assembly fully correspond with the text agreed upon by the Royal Government of Cambodia and the United Nations.

80. The process leading to a trial should be open and transparent. According to high Cambodian officials, it remains extremely difficult to achieve both justice and peace in the country. They fear that bringing Khmer Rouge leaders to trial might disrupt what they characterize as a fragile peace. For his part, the Special Representative believes that the preconditions for healing and consolidating peace include justice and the discovery of truth.

81. The Special Representative takes this opportunity to welcome the signature by Cambodia of the Rome Statute of the International Criminal Court on 23 October 2000, i.e. before the deadline of 31 December 2000 (the Rome Statute of the International Criminal Court, art. 125).

H. Communal elections

82. The first communal elections since the end of the Khmer Rouge regime in 1979 were planned for 1998, but have been considerably delayed. As of November 2000, the draft laws on commune administration and communal elections had not been adopted by Parliament. In his meetings with various members of the Government, most notably the Prime Minister, the Special Representative was informed that the necessary legislation will be adopted in early 2001 and that elections are now scheduled for the end of 2001 or the beginning of 2002. The Government is encouraged to follow through on this objective. Properly conducted, free and fair communal elections would undoubtedly contribute to the consolidation of democracy in the country. In order to be truly and effectively democratic, this process requires the support of strong and legitimate institutions, most notably genuinely independent election commissions to oversee the election process. These institutions should be established in the near future, in preparation and in support of the new communally based democratic process.

83. The National Assembly recently discussed the allocation of funds for the commune administration and elections during a national budget debate. The number of communes amounts to 1,609, imposing an additional burden to the national budget in order to cover basic support for their functioning.

I. Rights of minority groups

84. In Cambodia, as elsewhere, human rights must be ensured for all, without discrimination. The Special Representative received information about the difficult situation of ethnic Vietnamese living in Cambodia. In some cases, their legal status is unclear. Indeed, ethnic Vietnamese living in Cambodia are vulnerable to harassment by police authorities who question their legal status. They are often victims of discrimination. The Special Representative will seek, in the course of future visits, to meet with representatives of ethnic Vietnamese communities in Cambodia and with organizations assisting them.

85. The Special Representative was informed by the Cambodia office of several recently reported cases of forced evictions, trafficking, sexual exploitation, and refugee and migrant workers involving ethnic Vietnamese in Cambodia. Valuable information was also provided to the Special Representative by the Cambodia office of the United Nations High Commissioner for Refugees. Close cooperation with the Embassy of Viet Nam, relevant Cambodian authorities, and in some cases the International Organization for Migration (IOM) has helped address some of these issues. There are reports of strong criticisms and threats of violence against those assisting ethnic Vietnamese in Cambodia.

86. Some 16 indigenous ethnic minority groups, living mainly in the north-eastern provinces of the country, make up about 1 per cent of Cambodia's total population. In recent years, ethnic minority groups have been victims of discrimination and inadequate consideration of their cultural and traditional beliefs. The Special Representative calls upon the Government to pay particular attention to the needs and practices of these communities in legislation pertaining to natural resources and land ownership. The Special Representative was informed that recently, in the Immovable Property Bill, amendments concerning indigenous rights had been removed from the legislation but were later re-included.

87. The Cambodia office conducted a field visit to Ratanakiri jointly with two non-governmental human rights and legal assistance organizations in early November 2000 to follow-up developments in a case of alleged fraud and forgery of official documents by a military officer and intermediaries acting on his behalf who attempted to buy land from a group of ethnic minorities in Bokeo district. The Cambodia office has received information that the trial of the case will be heard in early 2001. This would be the first land case concerning ethnic minorities to be brought to trial. The Special Representative intends to visit these communities and assess their situation next year.

J. The rights of human rights defenders

88. The Special Representative was informed by the Cambodia office and representatives of several human rights organizations of the situation of human rights workers who very often are victims of intimidation, threats, or direct attacks owing to their work in the promotion and protection of human rights in the country, including at the provincial level. During the current year, high-ranking government officials, including the Prime Minister, made several public statements discrediting and strongly challenging the important work of human rights organizations and human rights workers. As part of his mandate, the Special Representative intends to maintain close contact with the human rights community in Cambodia. The Special Representative calls upon the Government to ensure the protection of all those at risk and to further promote the respect of the human rights of those directly working for the promotion and protection of human rights in the country. During the year 2000, the Cambodia office brought one such incident to the attention of the newly appointed Special Rapporteur on human rights defenders.

89. The Government is encouraged to establish and maintain close cooperation and a constructive relationship with people and organizations participating in national efforts for the establishment of effective and independent national mechanisms for the promotion and protection of human rights. While recognizing the role that the Cambodian Human Rights Committee, as an executive body, may play, the Special Representative is of the view that the conditions for the establishment of an independent national human rights institution in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights, better known as the Paris principles annexed to General Assembly resolution 48/134 of 20 December 1993 have not yet been met. The Special Representative encourages the Government, the legislative body and the civil society to continue discussions on this important issue.

IV. RECOMMENDATIONS

90. The Special Representative appeals to the international community to increase its assistance to Cambodia. Protection and promotion of human rights concerns should be properly taken into account in all assistance programmes.

91. One of the main objectives of human rights is to reduce and prevent human suffering. The peoples of Cambodia have experienced terrible suffering in the country's turbulent recent history. After years of division, policies of hatred and lack of clear direction, there is a need to

build consensus based on some fundamental values such as pluralist democracy, rule of law and respect for all human rights. One important means of realizing this aim is to engage in a frank, constructive and non-adversarial dialogue and cooperation between governmental authorities and civil society, in particular non-governmental human rights organizations.

92. There is an urgent need to build confidence and trust in Cambodian society - trust and confidence among political forces and actors, as well as trust and confidence of the people in public institutions. This is one of the preconditions for the necessary establishment and proper functioning of truly independent institutions. Civic sense and the sense of public service must be restored.

93. The Special Representative advocates the inclusion of human rights concerns in all reform programmes and plans. The Cambodian Human Rights Committee, the Human Rights and Reception of Complaints Committees of the Senate and the National Assembly, as well as human rights NGOs and the international community should play an important role in advocating the mainstreaming of human rights in all governmental plans.

94. In accordance with Cambodia's international human rights commitments and the stated policy of the Government of Cambodia to promote and protect human rights, the competent Cambodian authorities should seriously investigate all allegations of human rights violations brought to their attention by individuals, NGOs, the Cambodia office or the Special Representative who should be kept informed of the results of such investigations.

Eradication of violence

95. The Special Representative recommends that firm action be taken against impunity. Those responsible for human rights violations, acts of corruption, violence, land grabbing and other violations of the law should not remain unpunished but be brought to justice.

96. In the context of the upcoming communal elections, the Special Representative reiterates his call on the Royal Government of Cambodia, particularly to the Prime Minister, to send a clear and firm message condemning all acts of violence and intimidation related to political activity. Moreover, the Special Representative stresses the importance of the establishment of a genuinely independent National Election Committee as the main body overseeing the election process.

Independence of the judiciary

97. The Special Representative commends the Government for its declared willingness to reform the judiciary and recommends that concrete actions be taken to address the problems of impunity, corruption, and the lack of independence of the judiciary. Institutions such as the Supreme Council of Magistracy should be truly independent and allowed to fulfil their legal duties. Judges and prosecutors should be provided with appropriate salaries and training on international human rights norms. The judiciary and the Bar Association should accept and train young lawyers.

Conditions of detention

98. The Special Representative recommends that, with increased assistance from the international community, serious efforts be undertaken to improve conditions of detention. In particular, steps should be taken to solve the problem of overcrowded prisons, improve the state of the buildings and conditions of hygiene, ensure sufficient food rations, increase opportunities for physical exercise, and facilitate access to educational and reinsertion programmes. Juveniles should be separated from adults, and women from men. The Special Representative is particularly concerned about the problem of excessive pre-trial detention and calls for respect of the maximum pre-trial detention periods permitted by law and for access to legal aid for the poor.

Domestic implementation of international human rights instruments

99. The Special Representative notes that Cambodia is a party to many international human rights treaties and calls for the application and enforcement of these treaties through the legislative and judicial process. Furthermore, he calls for the follow-up by the Government of Cambodia on the recommendations made by various treaty bodies. He also recommends that the Government make further efforts to fulfil its reporting obligations, particularly regarding the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, the Covenant on Elimination of All Forms of Discrimination against Women, and the International Convenant on Economic, Social and Cultural Rights.

Poverty reduction and economic and social rights

100. The Special Representative notes the willingness of the Government to reduce its military budget. He recommends that the resources presently devoted to the military be reallocated to areas such as education, health and social services. Moreover, the Special Representative advocates strongly the narrowing of the gap between rich and poor through a fairer distribution of the country's limited resources.

Labour rights

101. The Special Representative calls for respect for labour rights, in particular, the rights of workers to freedom of movement, expression and association. The rights of workers to the full minimum monthly wage and their right to refuse overtime work without suffering negative consequences should be safeguarded. Due attention should be paid to the concerns and rights of migrant workers employed in Cambodia.

Situation of women and children

102. The Special Representative calls on the Government to eradicate violence against, and exploitation of, women and to provide them with better access to education, health services, economic empowerment and public office. In particular, firm action should be taken against domestic violence. The law should protect the rights of women.

103. The Special Representative calls on the Government to take firm action against the exploitation of children in its various forms such as trafficking, prostitution and child labour. He calls for improved conditions of detention for juveniles and for respect of the legal limit on pre-trial detention periods for juvenile detainees. The Special Representative urges the Government to follow-up on recommendations made by the Committee on the Rights of the Child, in particular with regard to the establishment of a juvenile justice system in accordance with international human rights norms.

104. The Special Representative recommends to the Government that all current draft legislation, in particular the civil and criminal codes as well as the civil and criminal procedure codes, be in accordance with the international human rights standards and that concerned ministries and NGOs working on children's issues be consulted. The Special Representative recommends that, with the assistance of the international donor community, birth registration should be legally and effectively free of charge and actively promoted by the State. The Special Representative recommends that the Government and National Assembly pass the law on inter-country adoption drafted by the Ministry of Social Affairs, Labour, Vocational Training and Youth. He also recommends that Cambodia become a party to the Hague Convention on Cooperation in Respect of Protection of Children and Intercountry Adoption.

Rights of Minorities

105. The Special Representative calls for increased respect for, and promotion and protection of, the human rights of minorities, in particular the rights of Cambodians of Vietnamese origin and those of indigenous peoples. Concrete actions to address discrimination against minority groups should be taken by the Government.

Rights of human rights defenders

106. The Special Representative recognizes the important role of civil society in the development of Cambodia. He condemns all acts of intimidation and threats against human rights defenders and requests the Government to ensure the protection of human rights defenders.

Human rights education

107. The Special Representative recommends that education and training in human rights be promoted at all levels of Government and society and, in particular, for security forces.

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ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

Report of the Secretary-General

GE.01-10318 (E)

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1	3
II.	THE TECHNICAL COOPERATION PROGRAMME IN 2000	2 - 42	3
	A. Policy orientation	2 - 4	3
	B. Project identification, formulation, appraisal and approval	5 - 11	3
	C. Implementation modalities	12 - 20	5
	D. Project monitoring, evaluation and lessons learned	21 - 23	7
	E. Substantive areas	24 - 37	7
	F. Integration of a gender dimension and economic, social and cultural rights in the technical cooperation programme	38	10
	G. Management, administration and financing	39 - 42	10

Annexes

I.	TECHNICAL COOPERATION ACTIVITIES IN 2000	12
	A. Projects completed	12
	B. Projects under implementation	14
	C. Technical cooperation projects at the drafting stage	29
	D. New requests received	30
II.	BALANCE SHEET FOR THE VOLUNTARY FUND FOR TECHNICAL COOPERATION	32

I. INTRODUCTION

1. In its resolutions 2000/80, the Commission on Human Rights requested the Secretary-General to submit an annual report to the Commission on technical cooperation in the field of human rights. The present report is submitted pursuant to that request.

II. THE TECHNICAL COOPERATION PROGRAMME IN 2000

A. Policy orientation

2. The Technical Cooperation Programme of the Office of the High Commissioner for Human Rights (OHCHR) supports countries in promoting and protecting all human rights at the national and regional level by incorporating international human rights standards in national laws, policies and practices and by building sustainable national capacities to implement these standards and ensure respect for human rights.

3. The Programme is carried out at the request of the concerned Government. Projects are formulated and implemented with the broadest possible participation of all elements of national societies, including civil society and national institutions, as well as the judicial, legislative and executive branches of the Government. The Programme is implemented in the context of the pursuit of national development objectives and national programmes and assistance coordinated by the United Nations system in support of these objectives.

4. Among the key result areas that have been defined by OHCHR for the period 1999-2001 in the light of relevant provisions in the medium-term plan for 1998-2001 and the programme budget for 2000-2001 the following deserve particular attention within the Technical Cooperation Programme: national capacity-building to develop strategies and structures for human rights; human rights education; charting a new course for the implementation of economic, social and cultural rights and the right to development; racism; the rights of indigenous people; trafficking of women and children, gender and the human rights of women; the rights of the child; humanitarian law and human rights; and developing a policy for future human rights field activities and consolidating existing activities.

B. Project identification, formulation, appraisal and approval

5. The Technical Cooperation Programme of OHCHR is developed through established procedures, which include the following phases: request, needs assessment, project formulation, appraisal, approval, implementation, monitoring and evaluation.

6. Request. Technical cooperation projects at the national level are initiated by a formal request by the concerned Government.

7. Needs assessment. Following receipt of a request, the feasibility of the project is studied, taking into account recommendations by the competent United Nations human rights organs and bodies, including relevant recommendations by United Nations bodies and mechanisms, as well as the availability of resources. In case of a positive outcome of this process, a need assessment mission is then usually fielded to define priority areas for a possible human rights project. The

assessment team meets with all interested parties, both governmental and non-governmental, and United Nations and other agencies and organizations engaged in human rights-related areas, and collects all available relevant documentation and legislation. The report contains an analysis and assessment of the needs identified and proposals for action. Such an assessment is essential for tailoring projects to the specific needs of the requesting country.

8. Project formulation. The formulation of a technical cooperation project is an outcome of the priorities identified and the availability of resources. The Programme seeks to establish partnership for positive change. Through dialogue the project is defined within the limits of the Programme's mission, goals and objectives, priorities and limited financial resources. If additional information is necessary, or further discussions are needed to refine the project strategy, a project formulation mission may take place. Technically, projects are based on the Logical Framework Method for project formulation, including a clear identification of the country's human rights context and background; the human rights needs/problems to be addressed; solutions offered by the project; target beneficiaries (direct and indirect); long-term and immediate objectives of the project, results, outputs, activities, inputs and risks; and identification and development of indicators for measuring of impact.

9. Internal appraisal. In December 1998 the Project Review Committee (PRC) was established as a subcommittee of the Senior Policy Committee. PRC is the mechanism through which OHCHR, at senior level, monitors performance, provides guidance and exercises internal control of its action-oriented activities. PRC considers new projects and their revision with the aim of assessing and providing guidance on: the relevance of the proposed objectives, activities and underlying assumptions of the project to the mandates, and priorities of OHCHR, and its possible impact on the issues the project intends to address; the suitability and effectiveness of project management, and institutional and implementation arrangements; the soundness of financial requirements, according to OHCHR's priorities and actual resources; and the possible special interest of the project to OHCHR in terms of policy implications, replicability, innovations and risks. In June 2000 the Activities and Programme Branch (APB) of OHCHR introduced an APB Projects Pre-Screening Process with the aim of facilitating the work of PRC.

10. External appraisal. Projects are also subject to an external appraisal system through the Board of Trustees of the Voluntary Fund for Technical Cooperation (VFTC). The establishment of PRC as the internal oversight and appraisal committee (a measure recommended by the Board of Trustees) allows the Board of Trustees to devote more time for other parts of its broad mandate (Commission resolution 1993/87), including advice in long-term programming of the OHCHR Technical Cooperation Programme. Consequently, at the thirteenth session in June 2000 the Board decided no longer to discuss each and every project proposal presented to PRC. In the future the Board will focus on reports from needs assessments and evaluations, try to draw lessons learned from the evaluations and take up discussions on thematic issues within the Technical Cooperation Programme.

11. Approval. Final approval rests with the High Commissioner, for OHCHR, and the Government concerned, and is formalized through the signature of the project document.

C. Implementation modalities

1. Regional approach and regional frameworks

12. Strengthening national capacities is decisive for any progress in the promotion and protection of human rights. However, OHCHR does not have the capacity to be present in all countries which are interested in technical cooperation projects. Therefore, OHCHR has developed a regional/subregional approach to support national efforts effectively. Initiatives at this level create the opportunity to draw on the expertise and best practices of countries in comparable situations, generate cooperation between neighbours, and allow for utilization of international resources in a concentrated, and thus more efficient manner. Developing regional/subregional frameworks for the promotion and protection of human rights involve governmental agencies; parliaments; civil society; international organizations, in particular components of the United Nations system, international financial institutions and regional organizations. OHCHR has already gained some experience, especially in the Asian-Pacific region where activities include: annual workshops, exchanges of best practices and experiences, consultations and designation of a regional adviser on international human rights standards.

2. Management of projects

13. Projects covering one or few substantive areas or to be carried out in a short time are often implemented by the OHCHR Desk in Geneva alone or with a minimum of administrative support from a UNDP country office. Projects of a more complex nature or requiring a longer period of implementation are often carried out with assistance of human rights presences in the field, acting as offices of OHCHR or components of larger United Nations operations.

14. In 2000, the following national technical cooperation field presences were operational: Chad, Ecuador, El Salvador, Guatemala, Indonesia, Madagascar, Mongolia, Somalia, South Africa and Palestine. In addition, the subregional office based in Pretoria continued to implement and facilitate the implementation of activities at the regional level as well as in various countries of the southern African region. The following OHCHR field presences combined monitoring and technical cooperation mandates: Bosnia and Herzegovina, Burundi, Cambodia, Colombia, Federal Republic of Yugoslavia, Croatia and the Democratic Republic of the Congo.

15. Representatives of all field presences with technical cooperation mandates participated in the third meeting of OHCHR field presences, which was held in Geneva from 28 to 31 August 2000. The meeting included working group discussions of 20 wide-ranging topics of which several related to technical cooperation. The meeting called for increased capacity to support field operations in general and recognized technical cooperation as the central pillar of human rights work. It recommended that OHCHR: strengthen its programme in the areas of institution-building and administration of justice and law enforcement; develop further the institutional capacity to deliver human rights training; and strengthen its capacity to learn from the vast experience gained in the field.

3. Partnership with United Nations agencies and programmes

16. Enhanced collaboration with other United Nations actors in the implementation of technical cooperation activities allows for maximizing their impact and more efficient use of resources. Close cooperation is particularly significant with UNDP, based on the memorandum of understanding in force between the two agencies. One example is the joint programme for Human Rights Strengthening, HURIST, supporting the implementation of UNDP's policy on human rights as presented in the policy document "Integrating Human Rights with Sustainable Human Development". Its primary purposes are to test guidelines and methodologies and to identify best practices and learning opportunities in the development of national capacities for the promotion and protection of human rights and in the application of a human rights approach to development programming. HURIST contributes to the international debate concerning major areas of relevance for human rights and supports UNDP country offices so requested by Governments to provide assistance in the field of human rights and generally contributes to the development of UNDP's capacity to apply a human rights approach to its work.

17. During the year 2000, HURIST has been active in the following countries: Benin, Bolivia, Botswana, Brazil, Cambodia, Cape Verde, Côte d'Ivoire, Dominican Republic, Egypt, Jordan, Kazakhstan, Lithuania, Malawi, Mauritania, Mongolia, Mozambique, Nepal, Nigeria, Somalia and Yemen.

18. Another joint initiative is the ACT (Assisting Communities Together) Project, launched in 1998 as a practical contribution to the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights. It focuses on a "bottom-up approach" by emphasizing the role which civil society plays in the promotion and protection of human rights. The long-term objectives of the ACT project are to empower people at the local level to be pro-active in ensuring greater respect for human rights and to strengthen partnerships between the United Nations and local human rights constituencies. The project supports institutions and non-governmental organizations, as well as individuals undertaking human rights initiatives by providing micro-grants of up to US$ 3,000. ACT is funded by the United Nations Foundation/United Nations Foundations for International Partnerships. In 2000, out of 400 applications 97 projects were selected for implementation.

19. OHCHR is presently also implementing technical cooperation projects at the national, regional and global levels in close cooperation with other United Nations agencies and programmes, such as the United Nations Children's Fund (UNICEF), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Population Fund (UNFPA), the United Nations Development Fund for Women (UNIFEM), the Division for the Advancement of Women of the Secretariat, the Department of Peacekeeping Operations, the United Nations Staff College and the Office of the United Nations High Commissioner for Refugees (UNHCR).

4. Cooperation with non-United Nations partners

20. The Programme is also seeking to work with non-United Nations partners such as the Organization of African Unity (OAU), the African Commission on Human Rights and Peoples' Rights, the Organization for Security and Cooperation in Europe (OSCE), the Organization of

American States (OAS), the Inter-American Institute of Human Rights (IIHR) and the United Nations Latin American Institute for Crime Prevention and the Treatment of Offenders (ILANUD) and others. For example, in Abkhazia (Georgia) OHCHR and OSCE have a joint office to, inter alia, implement a technical cooperation project.

D. Project monitoring, evaluation and lessons learned

21. Project monitoring. Progress in project implementation is assessed on an ongoing basis by desk officers, the Project Review Committee, and through project monitoring missions involving broad consultations with all national and international counterparts. Project monitoring involves examination of the strategy pursued by the project and ensures that any adjustment needed to meet the project objectives and the human rights needs of the country will be made.

22. Evaluation. The final evaluation assesses the effectiveness and efficiency of the project activities. It also aims at assessing the sustainability of the project, in particular in terms of the impact on the human rights situation of the country concerned with specific regard to the sectors and problems addressed by the project. The Board of Trustees of the VFTC and external consultants play an increasing role in the evaluation of the projects.

23. Lessons learned. Evaluation results provide documented evidence on the experience gained from past action to improve the future work of the OHCHR Technical Cooperation Programme. Lessons learned are the ultimate expression of evaluation results and should highlight the strengths and weaknesses in project identification, design and management that affected the performance and impact. Thus, they should form the basis for policy recommendations. This crucial part of the project cycle could still be improved and further development is needed. Part of the problem is linked to the recognized difficulty of measuring the direct impact of technical cooperation projects and programmes on the implementation of human rights.

E. Substantive areas

24. The Technical Cooperation Programme offers assistance in a wide range of substantive areas which are summarized below (see also sect. II.B of the report which provides information on specific projects).

1. National human rights institutions

25. An important objective of the Technical Cooperation Programme is to consolidate and strengthen the role which national human rights institutions can play in the promotion and protection of human rights. To this end, information materials and a manual have been developed for those involved in the establishment and functioning of national human rights institutions. In addition, a number of seminars and workshops have been conducted to provide government officials with information and expertise in the structure and functioning of such bodies. These events have also served as forums for exchange of information and experience concerning the establishment and operation of national human rights institutions. Direct

cooperation in establishing or strengthening national human rights institutions has been offered, often in collaboration with UNDP, to some 30 countries. For further and more detailed information reference is made to the report of the Secretary-General to the General Assembly (A/55/279).

2. Administration of justice

26. The Programme provides training courses for judges, lawyers, prosecutors and prison officials, as well as law enforcement officers. Such courses are intended to familiarize participants with international human rights standards relevant for the administration of justice; facilitate examination of humane and effective techniques for the performance of penal and judicial functions in a democratic society; and teach trainers to include this information in their own training activities. Topics offered in courses for judges, lawyers, magistrates and prosecutors include: international systems of human rights protection; the independence of judges and lawyers; human rights standards applicable in criminal investigations, arrest and pre-trial detention; elements of a fair trial; juvenile justice; protection of the rights of women in the administration of justice; and human rights under a state of emergency.

27. Similarly, the training courses for law enforcement officials cover a variety of topics, including the following: relevant international human rights standards; the duties and principles of the code of conduct for the police in democracies; the use of force and firearms by law enforcement agencies; protection against torture and other inhuman treatment or punishment; effective methods of legal and ethical interviewing; human rights during arrest and pre-trial detention; and the legal status and the rights of the accused.

3. Assistance for constitutional and legislative reform

28. Assistance is provided with a view to ensuring consistency of national legislation with the international human rights standards. The assistance may take the form of advisory services provided by experts, organization of conferences, provision of human rights information and documentation, assistance in drafting laws, or support for public information campaigns to ensure the involvement of all sectors of society in law-making. This Programme component includes assistance with respect to constitutional law; penal codes and codes of criminal procedure; prison regulations; laws regarding minority protection; laws affecting freedom of expression, association and assembly; immigration and nationality laws; laws on the judiciary and legal practice; security legislation; and, in general, any law which might have an impact, directly or indirectly, on the realization of internationally protected human rights.

4. National parliaments

29. Projects developed in cooperation with national parliaments address, inter alia, ratification of international human rights instruments, the provision of information on comparative national human rights legislation, the role of parliamentary human rights committees and, in general, the role of parliament in promoting and protecting human rights.

5. The armed forces

30. The Programme has carried out a number of training activities for military officers. It conveys the importance and applicability of the rule of law and human rights in the activities of the armed forces, as well as their role in a democratic State.

6. Electoral assistance

31. This component includes the preparation of guidelines for analysis of electoral laws and procedures, publication of a handbook on human rights and elections, and public information relating to human rights and elections.

7. Treaty reporting

32. The Programme regularly organizes training activities for government officials responsible for the reports due under international human rights treaties to which their State is a party. Such assistance is provided at national and regional levels. The fellowship programme facilitates participation in the training, which includes workshops with experts from various treaty-monitoring bodies, as well as specialized OHCHR staff. An OHCHR *Manual on Human Rights Reporting* has been produced and visits to observe meetings of treaty bodies are being organized.

33. The fellowship course in 2000 was facilitated by the United Nations Staff College Project in Turin, Italy. The course took place from 3 to 14 April 2000 with 29 participants from the following countries: Albania, Egypt, Gambia, Indonesia, Iraq, Jordan, Kenya, Lebanon, Madagascar, Seychelles, Sri Lanka, Saint Vincent and the Grenadines, Syrian Arab Republic, United Republic of Tanzania, Viet Nam and Yemen.

8. Non-governmental organizations and civil society

34. Strengthening civil society is one of the aims of the Programme. Accordingly, projects may include assistance to non-governmental organizations in the context of its country activities, by including them in seminars and training courses and supporting appropriate projects they have developed, as appropriate. Non-governmental organizations are not only addressees of technical cooperation projects but increasingly are also involved in their implementation. This empowers civil society and increases the potential of the Programme.

9. Training materials

35. As part of the United Nations Decade for Human Rights Education, OHCHR has continued to develop its series of training manuals and handbooks, for use by both instructors and participants. OHCHR training materials support all training activities implemented within the framework of global, regional and national technical cooperation programmes. Training manuals are tailored for specific audiences and thus focus on the relevant substantive aspects of human rights protection and appropriate pedagogical techniques. In addition to their role in training, the manuals constitute a valuable resource for organizations and individuals involved in human rights education at all levels.

36 The OHCHR Professional Training Series is designed primarily to provide support to the training activities carried out by the Office under its programme of technical cooperation in the field of human rights, and to assist other organizations involved in human rights education for professional groups. Recently, *Human Rights Training: A Manual on Human Rights Training Methodology*, No. 6 in the Series, has been published in English.[1]

37. Work has continued on the seven training packages for human rights monitors, peacekeepers, judges and lawyers, prison officials, primary and secondary schoolteachers, journalists, and national and local non-governmental organizations. The packages for human rights monitors and for prison officials were planned to be finalized by the end of year 2000. In the development of these materials, OHCHR works in close cooperation with relevant experts and organizations. For example, in December 1999 an expert meeting to review the draft training package for schoolteachers was held.

F. Integration of a gender dimension and economic, social and cultural rights in the technical cooperation programme

38. OHCHR has organized a series of two-day workshops for the staff of OHCHR. These workshops covered gender concepts and frameworks, the relationship of gender to women's human rights, and the practical application of gender concepts and frameworks to the work of OHCHR at every level. Three workshops were held in January 2000 and two additional training workshops and a follow-up session with participants from the January workshops were held in June 2000. In addition to these workshops, OHCHR has developed a draft checklist to facilitate integration of a gender perspective into all aspects of OHCHR's work.

G. Management, administration and financing

39. The Board of Trustees of the VFTC was set up in 1993 pursuant to Commission on Human Rights resolution 1993/87, to advise the Secretary-General on the administration and operation of the Fund and to encourage contributions to the Fund. The Board is composed of the following members: Ms. Leila Takla (Egypt); Mr. Luis Pérez Aguirre (Uruguay); Mr. Thomas Hammarberg (Sweden); Mr. Kinhide Mushakoji (Japan); and Mr. Krzysztof Skubiszewski (Poland). The Coordinator of the Voluntary Fund serves as secretary to the Board.

40. In 2000, the Board held its thirteenth and fourteenth sessions, from 19 to 21 June and from 11 to 13 December, respectively. During its sessions and through correspondence, the Board considered 15 new project proposals; reviewed 5 recently completed and evaluated projects; examined the implementation status of 4 current projects and activities; discussed project priorities, formats and procedures and thematic issues; examined financial and administrative matters concerning the Fund and discussed the Board's fund-raising efforts.

41. Technical cooperation activities are funded mainly by the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights and partly from the United Nations regular budget for technical cooperation in the field of human rights. Financial information

concerning the Voluntary Fund is provided in the annex. Status reports on activities and contributions are prepared by the secretariat of the Voluntary Fund and are available upon request.

42. As part of the fund-raising strategy, OHCHR has developed a global Annual Appeal. The Annual Appeal for the year 2001, launched in November 2000, provides a thorough presentation of the planned activities and hopefully will encourage more predictable and timely funding and permit longer-term planning of activities. The Annual Appeal includes projects to be funded by the Voluntary Fund for Technical Cooperation.

Note

[1] Professional Training Series No. 6 (HR/P/PT/6), United Nations Publication, Sales No. E.00.XIV.1.

Annex I

TECHNICAL COOPERATION ACTIVITIES IN 2000[a]

A. Projects completed

1. The following projects were completed during 2000:

Global (GLO/96/AH/24). Integration of a gender perspective into technical cooperation practices and procedures. Draft guidelines on project evaluation mission (PEM) and project formulation mission (PFM) were developed. Draft guidelines for needs assessment mission (NAM) were also developed;

Global (GLO/96/AH/29). Integration of economic, social and cultural rights into technical cooperation practices and procedures. Draft guidelines on economic, social and cultural rights for training seminars were developed;

Global (GLO/97/AH/01). Strengthening human rights in the former Yugoslavia. The final internal evaluation was conducted in December 1998;

Regional Africa (RAF/99/AH/02). Regional police training for Southern African Regional Police Chiefs Cooperation Organization (SARPCO). A first-ever workshop for the heads of police services of the Southern African Development Community (SADC) countries was held in February 2000 in Gaborone. Evaluation: In-house review and independent evaluation of the project will ultimately be carried out within the context of the overall monitoring and evaluation foreseen for the project establishing the OHCHR Regional Programme Office for Southern Africa;

Uganda (UGA/97/AH/07). Support to establish a national institution. The international consultant provided training for the documentation and information centre of the Ugandan Human Rights Commission in a training session in early 2000. In July 2000 a training session on mediation was held. A study tour to the Australian Equal Opportunities and Human Rights Commission was organized in July. The computerized complaints management system was completed and installed and was tested in August/September 2000. A computer training programme for Ugandan commissioners and staff was completed in August/September 2000. The same month an international expert on public hearings was engaged and training provided to several commissioners and staff on this function. A second group of interns from Makerere University visited the Australian Commission from 3 July to the end of September. The commission and staff member had previously gone on a fellowship tour to Australia to examine how that Commission handles public inquiries and mediation provided training based on their experiences to other commissioners and senior staff. A similar fellowship tour was made to South Africa. National and international experts on monitoring were hired. A training programme was conducted from 16 to 26 October 2000. Preparations were completed for the launch of the Public Hearing on Disability on 23 October. The project ended on 14 November 2000. Together with UNDP, a final evaluation will be carried out in the first quarter of 2001;

Regional Asia Pacific (RAS/98/AH/16). Promoting national human rights institutions in Asia and the Pacific: development of training programme on investigatory techniques promoting national human rights institutions in Asia and the Pacific: training programme on investigatory techniques was developed;

Regional Asia Pacific (RAS/99/AH/15). Enhancing national capacities for human rights education in North-East Asia. A training resource kit was prepared. A workshop took place from 1 to 4 December 1999 in Seoul. An evaluation of the project was carried out within the overall Tehran Framework evaluation;

Regional Asia Pacific (RAS/99/AH/24). Enhancing national capacities for the promotion and protection of human rights in the Asian-Pacific Region: national plans of action for human rights education. A workshop was held in Tokyo from 17 to 19 January 2000. Activities are now completed. An evaluation of the project was carried out as part of the overall Tehran Framework evaluation;

Regional Asia Pacific (RAS/99/AH/26). Inter-sessional Workshop on Economic, Social and Cultural Rights. Workshop was held in Sana'a from 5 to 7 February 2000. An evaluation of the project was carried out as part of the overall Tehran Framework evaluation;

Regional Asia Pacific (RAS/00/AH/05). Regional arrangement for the promotion and protection of human rights in the Asian-Pacific region. The evaluation took place over three weeks in August 2000;[b]

Regional Asia Pacific (RAS/00/AH/07). Enhancing the role of parliaments to promote and protect human rights in north-east Asia. The project's purpose was to facilitate and support a North-East Asia subregional workshop on parliaments and human rights, in cooperation with the Government of Mongolia and the Inter-Parliamentary Union (IPU), held in Ulaanbaatar from 9 to 12 August 2000;[b]

Regional Asia Pacific (RAS/00/AH/13). National institutions - economic, social and cultural rights training. A one-week training course on economic, social and cultural rights was held in Manila in November 2000;

Regional Europe (RER/99/AH/13). Trafficking and protecting the rights of trafficked persons: cooperation with the Council of Europe for preventive activities. A series of training sessions were organized by the Council of Europe over a period of five months for the key target group. An international seminar was organized in Athens on "Action against trafficking in human beings in South/Eastern Europe" from 29 June to 1 July 2000;

Latvia (LAT/95/AH/17). Capacity development of the national human rights office;[b]

Regional Latin America (RLA/99/AH/22). Preparatory assistance for the promotion and protection of human rights in the Latin American and Caribbean region. A workshop for government officials, national institutions and representatives of civil society was held in Quito from 29 November to 1 December 1999;

Haiti (HAI/95/AH/03). Institutional capacity-building in the legal sector and support to the National Truth Commission. The project was suspended when the international implementing agency, the International Civilian Verification Mission in Haiti (MICIVIH), came to an end;

El Salvador (ELS/95/AH/10). Training and documentation for the strengthening of human rights. (ELS/95/AH/28): The police and human rights. The final evaluation took place in July 2000;[b]

Guatemala (GUA/96/AH/13/Add.1): Strengthening of national capacities in the field of human rights. Regular meetings with the United Nations Development Assistance Framework (UNDAP) to ensure mainstreaming of human rights. Support to the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights (COPREDEH) was provided. The final evaluation was conducted in July 2000;[b]

El Salvador (ELS/00/AH/01). One workshop for police officers was conducted in May. Furthermore, a workshop for the revision of legislation relating to children was held as was a training programme for police trainers. The coordination with other United Nations agencies regarding human rights issues was continued. The final evaluation took place in July 2000;[b]

Guatemala (GUA/00/AH/03). Strengthening national capacity in the field of human rights. The project was a bridge project with and an evaluation of GUA/96/AH/13. Local staff continued to provide advice on human rights matters to the United Nations Country Team and to the United Nations Resident Representative. Final evaluation took place in July 2000.[b]

B. Projects under implementation[c]

1. Global projects

2. Global projects under implementation:

GLO/95/AH/16. Support to the implementation of the United Nations Decade for Human Rights Education (1995-2004)

Date of approval by OHCHR: 4 April 1996

Implementing agency: OHCHR

Cooperating agency: UNESCO

OHCHR contribution: US$ 857,200

Activities: An evaluation of the project was carried out and the report is available. An expert meeting on human rights teacher-training packages was organized. In February 2000 a human rights documentalist was hired and in March 2000 computer equipment was purchased. A world wide survey on human rights education was conducted, April-July 2000. An on-line forum on the mid-term global evaluation of the Decade was held, July-August 2000. An expert meeting took place during three days in August. The report for the mid-term global evaluation of the decade was prepared by OHCHR and three consultants. A consultant was hired to manage the ACT (Assisting Communities Together) project (ongoing). A documentalist was hired to develop the database and the resource collection on human rights education (ongoing). Furniture/equipment/supplies were purchased for the resource collection. A substantive contribution to the Cairo regional conference on human rights education in the Arab region was made (staff and four consultants, October 2000).

GLO/97/AH/20. Interim measures for the integration of economic, social and cultural rights into technical cooperation practices and procedures

Date of approval by OHCHR: 20 March 1998

OHCHR contribution: US$ 67,800

Activities: Two new consultants have received their contracts, which will last from 1 November 2000 to 30 March 2001. The consultants are going to develop a practitioner's handbook on integrating economic, social, and cultural rights into the work of national human rights commissions.

GLO/98/AH/10. Integrating human rights in the United Nations system: strengthening national capacities for human rights training of military and police peacekeepers

Date of approval by OHCHR: 2 October 1998

OHCHR contribution: US$ 165,878

Activities: One training course on peace-keeping, human rights, humanitarian assistance for military and police trainers was held.

GLO/99/AH/25. Eliminating trafficking and protecting the rights of trafficked persons: global project for 2000-2001

Date of approval by OHCHR: 19 November1999

OHCHR contribution: US$ 1,453,293

Activities: The High Commissioner and OHCHR intervened in the SAARC and the Vienna processes, and suggested recommendations for improving the texts under consideration. Representatives of OHCHR participated in the international and regional seminars and conferences that were held on the topic of trafficking. The High Commissioner sent a message to the Asia Pacific Symposium on Trafficking in Persons, which was held in Tokyo in January 2000. Representatives of OHCHR participated/intervened in sessions of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime to discuss the two proposed Protocols on trafficking in women and children and the smuggling of migrants. A representative of OHCHR participated in a seminar held in Athens in June 2000 to discuss a regional action plan for coordinated action against trafficking in human beings in south-eastern Europe in the context of a joint project between OHCHR and the Council of Europe. The field offices in Cambodia and Bosnia are engaged in preventive and awareness-building activities with the local communities.

2. African region

3. The following regional projects are under implementation in Africa:

RAF/96/AH/30. Strengthening of African regional capacities for the promotion and protection of human rights

Date of approval by OHCHR: 21 October 1997

Implementing agency: African Commission on Human and Peoples' Rights

Cooperating agency: Organization of African Unity (OAU)

OHCHR contribution: US$ 381,940

Activities: A meeting of experts convened on 12 and 13 January 2000 in Banjul to develop a manual on the African Charter. Preparations were made for a PEM but owing to administrative and financial constraints it has been delayed.

RAB/99/AH/14. Strengthening the capacities of Arab non-governmental organizations in the field of human rights

Date of approval by OHCHR: 22 September1999

OHCHR contribution: US$ 193,628

Activities: A training programme for 23 human rights trainers was held in Amman from 1 to 17 May 2000 in cooperation with the Arab Organisation for Human Rights in Jordan and the Union of Jordanian Women. A training programme was held for 23 human rights trainers of 20 NGOs from: Algeria, Egypt, Jordan, Lebanon, Morocco, Yemen and Palestine from 2 to 17 May, in cooperation with the same organizations. The tenth regional human rights training seminar named for the founder of the Arab Institute for Human Rights ("Anabtawi 10"), was held in Tunisia from 1 to 14 July 2000, with the participation of 23 NGO leaders and

members from various Arab countries. A two-week training programme for 20-25 human rights trainers was organized in Sana'a, from 7 to 20 September 2000, focusing on the elaboration, submission and evaluation of training programmes and activities in their respective countries.

4. The following national projects are under implementation in the African region:

Malawi MLW/95/AH/34. Consolidation of the democratic process

Date of approval by OHCHR: 24 April 1996

Implementing agency: Ministry of Justice

OHCHR contribution: US$ 786,378

Activities: The translation of the Universal Declaration of Human Rights into Chechewa was completed. A member of the Malawi Human Rights Commission received a grant to attend the Rabat conference on national institutions in April 2000. A member and staff of the Malawi Human Rights Commission took advantage of human rights training/fellowships at the South African Human Rights Commission at the beginning of May 2000. Three workshops were held under the project: (i) a workshop for the judiciary on human rights in the administration of justice, held at the Malawi Institute of Management, Lilongwe, from 7 to 8 July 2000; (ii) a workshop for senior prison officers on human rights and prison services held at the Institute from 10 to 12 July 2000; (iii) a workshop on conflict resolution and human rights for members of the Human Rights Commission, the judiciary and civil society, 30 October-3 November.

Morocco MOR/96/AH/20. Introducing human rights curricula in primary and secondary schools

Date of approval by OHCHR: 21 February 1997

Implementing agency: Ministry of Education and Ministry in charge of Human Rights

OHCHR contribution: US$ 326,000

Activities: So far, 34 training sessions out of the 75 scheduled in the work plan were held in May and June 1999 and from January to June 2000 for school inspectors of the primary and secondary system, involving 1,819 participants and trainers. Forty-one other similar sessions were expected to take place during the second part of 2000 but have been delayed for administrative and technical reasons.

Namibia NAM/96/AH/10. Assistance in the implementation of human rights standards

Date of approval by OHCHR: 19 June 1997

Implementing agency: Ministry of Justice

OHCHR contribution: US$ 293,800

Activities: A training course on human rights for the prison services was held. Two workshops on human rights training were provided to the prison services in July. Human rights training was also provided to immigration police officers. Human rights training for the secretaries of the traditional leaders took place (19-23 June, 3-7 July, 18-22 September). The documentalist at the Human Rights and Documentation Center was sponsored for an Internet training course at Human Rights Internet in Canada which took place from 3 to 8 July 2000. The project also supported the development and circulation of a "Manual on Traditional Authorities in a New Namibia". A workshop for magistrates was held from 13 to 17 November 2000.

South Africa
SAF/96/AH/16. Human rights institutional strengthening

Date of approval by OHCHR: 30 April 1997

Implementing agency: Ministry of Justice

OHCHR contribution: US$ 1,014,627

Activities: The assistance to the Fort Hare University was completed with the support of the Oliver Tembo UNESCO Chair on human rights. Support was given to the South African Human Rights Commission to assist the establishment of a Human Rights Training Centre and to formulate a policy on complaint procedures regarding reporting procedures. A training manual for the Office of the Inspecting Judge and independent prison visitors was drafted. Assistance was given to Justice College to implement a training programme for the improvement of the capacities of the magistrates. Support in terms of developing training manuals to the Land Restitution Commission and Justice College is ongoing. The project personnel is assisting various institutions regarding evictions and the security of tenure.

Madagascar
MAG/97/AH/10. Strengthening of national capacities in the field of human rights

Date of approval by OHCHR: 10 September 1998

OHCHR contribution: US$ 453,153

Activities: A training course for teachers took place from 17 to 21 April 2000. In March 2000 the National Human Rights Commission and the Ministry of Justice were provided with office supplies (computers, printers). One-week's training was organized in April/May for the members of the National Human Rights Commission with the help of an international consultant on human rights. Grants have been given to representatives of the Government (Ministry of Justice) and NGOs. Human rights documentation has been developed for the Ministry of Justice

and the National Human Rights Commission. Two national consultants were recruited to examine relevant aspects of the national legislation in the light of international human rights standards.

Sierra Leone SIL/97/AH/23. Strengthening grass-roots human rights education initiatives

Approval by OHCHR: November 1998

Implementing agency: Human Rights Unit of the United Nations Observer Mission to Sierra Leone (UNOMSIL)

OHCHR contribution: US$ 84,980

Activities: The UNOMSIL Human Rights Unit is overseeing the project. Implementation has been delayed due to domestic events.

Gabon GAB/98/AH/01. Development of national capacities for the promotion and protection of human rights

Date of approval by OHCHR: 10 November 1998

OHCHR contribution: US$ 681,657

Activities: A training seminar on reporting took place in October 2000.

Morocco MOR/98/AH/08. Centre de documentation, d'information et de formation en matière des droits de l'homme

Approval by OHCHR: 6 April 1999

OHCHR contribution: US$ 480,000

Activities: The High Commissioner inaugurated the Human Rights Centre for Documentation, Information and Training on 15 April 2000. One international consultant undertook a two-week mission in Morocco (29 May-9 June 2000) to help with the inauguration of the Centre, the finalization of the Statutes, the setting up of a *Conseil technique* (monitoring committee), and the programming of activities according to objectives defined and new expectations arising in the civil society. The same consultant undertook a follow-up mission (1-8 October 2000) focusing on the *Conseil technique* and on the programme of activities to be developed in 2001. Another international consultant was sent to Morocco (3-14 July 2000) with a view to setting up the Centre's Documentation and Information component (library, database, specialized human rights documentation, bibliographies, manuals, etc.).

Chad
CHD/98/AH/19. Projet intérimaire pour le renforcement des droits de l'homme et de la gouvernance

Approval by OHCHR: 24 February 2000

Approval by UNDP: 29 March 2000

OHCHR contribution: US$ 431,680

Activities: A workshop on minimum standard rules in the field of detention and visits to prisons was held from 31 July to 1 August 2000. This was the initiating stage of a several-month-long process, which includes seminars and workshops within this field.

Somalia
SOM/99/AH/05. Building and strengthening local and national capacities and infrastructures for the promotion and protection of human rights while integrating human rights in the United Nations agencies work in Somalia

Approval by OHCHR: 21 August 1999

Implementing agency: UNDP-Somalia

OHCHR contribution: US$ 1,456,570

Activities: The human rights officer came to Geneva to receive pre-deployment training and was subsequently deployed to Nairobi. Three missions to Somalia were conducted by the human rights officer, one of which was to support the independent expert. Mechanisms to gather information on human rights violations were set up. Efforts to mainstream human rights with other United Nations agencies continue. Several NGOs that are to benefit from assistance through the project have been identified. In June the latest report of the independent expert to the Commission on Human Rights and the Commission's resolution on Somalia were translated into Somali and distributed in Somalia. In July, the human rights officer attended the Somali National Peace Conference in Djibouti aimed at resolving conflict and preparing for the establishment of a central Government in Somalia; there he was involved in consultations for the drafting of the Charter Constitution and making recommendations for the inclusion of international human rights standards. By mid-October, OHCHR Somalia had completed the implementation of eight human rights projects in Somaliland and Puntland (northern Somalia) focusing on women's rights and the rights of the child. In early November 2000 OHCHR decided to draft a manual on human rights training which is expected to be published jointly by OHCHR and UNESCO.

Sierra Leone
SIL/00/AH/02. Support to the preparatory phase of the Sierra Leone Truth and Reconciliation Commission.

Approval by OHCHR: 9 May 2000

OHCHR contribution: US$ 846,935

Activities: The project is currently in its start-up phase.

Sudan
SUD/00/AH/12. Assistance to the Sudan in the field of human rights

Approval by OHCHR: 5 October 2000

OHCHR contribution: US$ 179,100

Activities: The project is currently in its start-up phase.

Rwanda
RWA/00/AH/14. Capacity development for the Rwanda Human Rights Commission

Approval by OHCHR: 19 October 2000

OHCHR contribution: US$ 150,000

Activities: The project is currently in its start-up phase.

3. Asian and Pacific region

5. The following regional projects are under implementation in the Asian-Pacific region:

RAS/99/AH/01. Enhancing national capacities for the promotion and protection of human rights in the Asian-Pacific region: national action plans

Approval by OHCHR: 21 June 1999

Implementing agency: OHCHR

OHCHR contribution: US$ 187,191.40

Activities: The final draft of the handbook has been disseminated for wide consultations. Additionally, preparations were made for the financing of editing, layout and translations.

RAS/00/AH/08. Fifth annual meeting of the Asia-Pacific Forum of National Human Rights Institutions

Approval by OHCHR: 30 June 2000

Implementing agency: OHCHR

OHCHR contribution: US$ 81,177

Activities: The responsible institution is the Human Rights Commission of New Zealand. The Fifth Annual Meeting of the Asia-Pacific Forum of National Human Rights Institutions was held from 7 to 9 August 2000 in Rotonia.

6. The following national projects are under implementation in the Asian-Pacific region:

Bhutan
BHU/95/AH/20. Strengthening national human rights capacity

Approval by OHCHR: 30 September 1996

Implementing agency: OHCHR

OHCHR contribution: US$ 290,600

Activities: The provision of documents for the High Court Library is continuing. Two fellowships for women police officials are in preparation. The fellowship programme is planned for an 11-week period during October-December 2000. A final evaluation of the project was carried out in December 2000.

Nepal
NEP/95/AH/21. Strengthening the administration of justice and building national human rights capacity

Date of approval by OHCHR: 27 June 1996

Implementing agency: OHCHR

Cooperating agency: Ministry for Foreign Affairs

OHCHR contribution: US$ 441,050

Activities: A draft of a human rights training manual to be integrated in the curriculum of the National Police Academy was presented by two local consultants on 28 September 2000; comments by the Ministry of Foreign Affairs are still pending. Ten NGO projects in remote areas have been selected by the United Nations Country Team to receive OHCHR financial grants through UNICEF. A final evaluation mission was conducted from 20 to 30 October 2000; the evaluation report is due in December 2000.

Palestine
PAL/95/AH/24. Support for the rule of law

Approval by OHCHR: 24 April 1996

Implementing agency: OHCHR

OHCHR contribution: US$ 3,205,223

Activities: OHCHR staff participated in a number of training courses, workshops and conferences including: (i) training: a one-week high-level strategic management programme organized by the Danish police, the United Nations Special Coordinator in the Occupied Territories (UNSCO) and OHCHR; a management course for 15 Palestinian police officers in Jericho; a training course organized by the Palestinian Centre for Human Rights for Al-Azhar University law students; a training course for human rights activists organized by an NGO; a training course by the Palestinian Independent Commission for Citizens' Rights for civil servants of the Palestinian Authority, political parties and staff of the Palestinian Legislative Council; (ii) workshops on violence against women, organized by the Centre for Women's Affairs; on a draft code of criminal procedure; on a strategy for the newly established Ministry of NGOs and its relationship with NGOs; on violence and discrimination against children organized by Save the Children. OHCHR also drafted the annual report at the request of UNSCO, for the Economic and Social Council on the programme of assistance to the Palestinian people. The West Bank Office of OHCHR is open and one person has been recruited to work there. Prison training experts have been recruited and training took place in July/August 2000.

Philippines
PHI/96/AH/23. Protecting the rights of children in conflict with the law

Approval by OHCHR: 2 December 1999

Implementing agency: OHCHR

OHCHR contribution: US$ 410,990

Activities: The project is a joint project with UNICEF. It is being carried out through 18 local partners. During 2000 an extensive number of activities took place e.g. seminars and workshops in such areas as law review and law reform, strengthening the pillars of juvenile justice, strengthening the barangay justice system, community-based prevention of juvenile delinquency and crisis intervention, recovery and reintegration.

Mongolia
MON/98/AH/03. Programme for strengthening national infrastructures for the promotion and protection of human rights

Approval by OHCHR: 18 May 1998

Implementing agency: OHCHR

OHCHR contribution: US$ 217,551

Activities: A series of training courses on universal human rights norms has been completed in eight provincial centres and Ulaanbaatar for representatives of civil society organizations. In addition, research was conducted to facilitate the attendance of two professors from the Law School of the Mongolian National University at a human rights course in Kazakhstan, which was held in July/August 2000. The sole English-speaking professor of the Law School has been accepted to a human rights course that was held in August/September 2000 at the University of Utrecht. A professor from the Law School was accepted to participate in a human rights course in Warsaw, held from 9 to 16 September 2000. From 21 August to 1 September a professor from the Mongolian National University attended a human rights summer course in the Netherlands. Human rights material was distributed at the Human Rights Book Exhibition on 16 and 17 October in Ulaanbaatar. A training seminar for trainers on human rights and prisons was held from 23 to 27 October.

Indonesia
INS/98/AH/11. Support for the implementation of Indonesia's National Plan of Action on Human Rights - Phase I

Approval by OHCHR: 4 March 1999

Implementing agency: OHCHR

OHCHR contribution: US$ 952,000

Activities: An expert was provided to assist with investigative training and other issues including the National Commission of Inquiry into the human rights violations in East Timor. The Attorney General and the Minister of Human Rights Affairs were consulted regularly and supported in their work. There was contact with local NGOs, in particular women's NGOs and support for the publication of brochures celebrating the year 2000 as an International Year for the Culture of Peace. Regular meetings of the international community in Jakarta focusing on the human rights situation were chaired. Updates on the human rights situation and analytical reports were provided to OHCHR Geneva.

Indonesia INS/00/AH/06. Enhancement of the capacity of the Indonesian administration of justice sector of the prosecution of human rights violations

Approval by OHCHR: 19 May 2000

Implementing agency: OHCHR

OHCHR contribution: US$ 209,500

Activities: Candidates for the Technical Adviser have been identified. Ongoing advice was provided on draft human rights legislation.

4. Central and Eastern Europe/Commonwealth of Independent States (CIS)

7. The following national projects are under implementation in the Central and Eastern European/CIS region:

Azerbaijan AZE/95/AH/12. Strengthening capacities and infrastructure for the promotion and protection of human rights

Date of approval by OHCHR: 15 July 1998

Implementing agency: Ministry of Justice

OHCHR contribution: US$ 405,000

Activities: The publishing of human rights material in the Azeri language is continuing. A seminar for human rights NGOs was held in Baku from 2 to 5 May 2000. A mission by the desk officer took place in May 2000. The Project Review Committee (PRC) recommended that the project be the subject of an in-depth external evaluation after the elections in November. The local project steering committee met on 10 October.

Armenia ARM/95/AH/11. Strengthening capacities for the promotion and protection of human rights

Approval by OHCHR: 30 May 1996

Implementing agency: Ministry for Foreign Affairs, Department of Human Rights

OHCHR contribution: US$ 232,215

Activities: The activities of the National Plan of Action for the Promotion and Protection of Human Rights have been followed up locally. An independent PEM is expected to take place between 26 November and 4 December 2000.

Georgia
GEO/95/AH/13. Strengthening capacities and infrastructures for the promotion and protection of human rights

Date of approval by OHCHR: 8 October 1997

Implementing agency: Ministry for Foreign Affairs

OHCHR contribution: US$ 715,397

Activities: One-week seminars for educators on teaching human rights were held in Abkhazia, Georgia. Two televised round-table discussions were organized with the participation of international consultants. The documentation for depository libraries has been distributed. Human rights publications and purchased books were delivered to both implementing partners. A seminar for NGOs on human rights in Abkhazia took place from 21 to 25 April 2000. Two fellowships were granted, one government official completed an LL.M course at Leiden University (Netherlands) and one judge completed a human rights course at Birmingham University (United Kingdom). The desk officer participated in the meeting of the Project Steering Committee in early May 2000. A training seminar was organized in Abkhazia for law enforcement officials (14-18 October). A training course was organized for judges (27-31 October).

Russian Federation
RUS/97/AH/03. Human rights education capacity development

Approval by OHCHR: 18 June 1999

Implementing agency: National NGO

OHCHR contribution: US$ 3,683,686

Activities: On 28 September there was an expert meeting on human rights education in Moscow with international and national experts. The project executive committee met in Moscow on 29 September 2000.

Republic of Moldova
MOL/97/AH/19. Support to democratic initiatives in the field of human rights

Date of approval by OHCHR: 19 December 1997

Implementing agency: OHCHR

OHCHR contribution: US$ 147,000

Activities: The international senior consultant on human rights institutions, organizational design and human resources, and programme design and implementation visited Moldova for three weeks in January 2000 and two weeks in June 2000. International consultants conducted

missions in January, May/June and November 2000 for training on human rights issues and State reporting to treaty bodies. A study visit to Geneva on the management of the Moldova project was conducted for staff of the Moldova human rights centre (21-26 August 2000). Two tripartite review meetings on "Support to democratic initiatives in the field of human rights in the Republic of Moldova" were held during the year, in January and November 2000.

Georgia GEO/98/AH/22. Capacity development of the Public Defenders Office in Georgia

Approval by OHCHR: 22 March 1999

OHCHR contribution: US$ 57,500

Activities: OHCHR continues to provide strategic advice on policy matters, substantive human rights issues and resource issues. Expertise and advice available from OHCHR on national institutions are systematically incorporated into the larger UNDP project.

The former Yugoslav Republic of Macedonia MAC/99/AH/18. Human rights education in primary and secondary schools

Approval by OHCHR: 2 May 2000

OHCHR contribution: US$ 130,500

Activities: A letter has been sent to the Government informing it that preparations are being undertaken for the project's implementation which will start in 2001.

Albania ALB/99/AH/19. Preparatory assistance for building sustainable capacities in human rights treaty reporting

Approval by OHCHR: 15 February 2000

OHCHR contribution: US$ 70,600

Activities: An international consultant was recruited and deployed in October 2000. Project implementation started in November 2000.

5. Latin American and Caribbean region

8. The following national projects are under implementation in the Latin American and Caribbean region.

Argentina ARG/95/AH/33. Strengthening human rights

Date of approval by OHCHR: 22 January 1996

Implementing agency: Under-Secretariat of Human and Social Rights of the Ministry of the Interior

OHCHR contribution: US$ 335,257

Activities: In April 2000 the national counterpart expressed interest in implementing those pending activities that were spelled out in the Service Agreement of August 1998. A new grant agreement was signed by the Government in late November 2000.

Bolivia
BOL/96/AH/14. Promotion and protection of human rights

Date of approval by OHCHR: 27 August 1998

OHCHR contribution: US$ 576,900

Activities: Two monitoring missions were carried out in April and August 2000. In July/August 2000 two human rights training courses for the police and military were held. Project staff have assisted the ministries and other beneficiaries on human rights issues, for instance with the preparation of reports on the situation of indigenous people. Seminars have been held within the areas of women's rights and training of police officers. A curriculum for human rights issues with regard to the military has been elaborated. The inter-institutional mechanism for coordination between the Government and the civil society (*Comité inter-institucional*) have been holding meetings on a regular basis (once a month) since May.

Nicaragua
NIC/98/AH/14. Right to security: preventive police-community and human rights actions

Date of approval by OHCHR: 24 September 1999

Implementing agency: Ministry of the Interior/National Police

OHCHR contribution: US$ 357,080

Activities: First mission to initiate the Police-Community Project took place from 20 to 24 March 2000. The project coordinator has been selected. The results of the OHCHR-ILANUD (Latin American Institute for the Prevention of Crime and the Treatment of Offenders) project on strengthening human rights and the image of the police in the community were systemized. Training material (1,500 manuals and 4 short-format videos) for 32 training courses on human rights to be provided to 1,200 officers is almost finalized. The training courses are continuing. Assessments were undertaken of the knowledge and capacities of police, their deployment, and the obstacles they encounter in meeting the needs of detainees. Study on the knowledge, capacities, disposition, and obstacles the police agents have in dealing with women and children are ongoing.

Ecuador ECU/99/AH/17. Strengthening national capacities through the implementation of the Human Rights National Plan of Action in Ecuador

Date of approval by OHCHR: 30 November 1999

OHCHR contribution: US$ 664,327

Activities: The national seminar "Analysis of the thematic plan for elderly people" of the Thematic Working Group for Senior Citizens took place. Three other thematic working groups also took place in October: Thematic Working Group for Education, Thematic Working Group for Indigenous People and Thematic Working Group for Consumers. The Technical Coordinator held four training sessions for 27 human rights specialists of the University of Guayaquil on "Democracy and human rights".

Mexico MEX/00/AH/10. First phase of technical cooperation programme for Mexico

Date of approval by OHCHR: 17 August 2000

OHCHR contribution: US$ 300,806

Activities: Implementation is expected to start in the beginning of January 2001.

C. Technical cooperation projects at the drafting stage

9. The following global technical cooperation project is at the drafting stage:

GLO/00/AH/20. Second phase of support to the implementation of the United Nations Decade for Human Rights Education (1995-2004).

10. The following technical cooperation projects in the African region are at the drafting stage:

RAF/99/AH/07. Subregional workshop on national action plans for West Africa and Central Africa;

CPLP- Comunidade de Países de Língua Portuguesa (Community of Portuguese-Speaking Countries). A workshop on national human rights plans of actions.

11. The following national technical cooperation projects in the African region are at the drafting stage:

LES/98/AH/04. Lesotho. Support for human rights, democracy and rule of law. Human rights officer to assist in preparation of forthcoming election and implementation of a technical assistance programme;

CAM/99/AH/09. Cameroon. Strengthening of the National Commission on Human Rights and Freedoms of Cameroon. UNDP-OHCHR joint project for strengthening of the National Commission on Human Rights and Freedoms and the establishment of a regional human rights institute;

NER/99/AH/11. Niger. Technical assistance to the Government with a view to strengthening human rights structures;

Republic of the Congo. Training of law enforcement officials;

Guinea Bissau. Technical assistance for peace-building;

Liberia. Technical assistance on human rights structures and mechanisms;

Nigeria. Capacity-building and promotion of human rights;

Mauritania. National human rights plan of action.

12. The following national technical cooperation projects in the Asian and Pacific region are at the drafting stage:

China. Strengthening of national capacities in promoting and protecting human rights;

YEM/00/AH/21. Yemen. Assistance in the administration of juvenile justice.

13. The following technical cooperation projects in the Latin American and Caribbean region are at the drafting stage:

RLA/99/AH/06. Strengthening the rule of law and promotion of human rights in the Andean region: national institutions and the administration of justice.

D. New requests received

14. The following national requests for technical cooperation have been received from the African region:

Benin. Technical cooperation (education);

Kenya. Technical cooperation;

Nigeria. Technical cooperation.

15. The following national request for technical cooperation has been received from the Asian region:

Solomon Islands. Needs assessment mission - technical cooperation.

16. The following national requests for technical cooperation have been received from the Latin American and Caribbean region:

Argentina. Continued technical cooperation;

El Salvador. Continued technical cooperation;

Paraguay. Technical cooperation;

Peru. Technical cooperation.

17. The following national requests for technical cooperation have been received from the Middle East region:

Bahrain. Request for needs assessment mission;

Palestine. Continued technical cooperation;

United Arab Emirates. Technical Cooperation Assistance.

Notes

[a] Detailed information on OHCHR's technical cooperation activities in the field of human rights is available from the OHCHR Web site (http://www.unhchr.ch), the status reports on technical cooperation in the field of human rights, the status reports on contributions to VFTC, reports of the sessions of the Board of Trustees of VFTC; the compilation of project fact sheets, monthly, quarterly and six-monthly reports of field presence, and separate reports of all seminars, training activities and workshops.

[b] Report available in the files of the secretariat.

[c] All projects are funded from the Voluntary Fund for Technical Cooperation in the Field of Human Rights, unless otherwise indicated. The OHCHR contributions mentioned are for the entire project, while activities reported only refer to the year 1999.

Annex II

BALANCE SHEET FOR THE VOLUNTARY FUND FOR TECHNICAL COOPERATION

as of 31 October 2000

1.	**Income**	
	Beginning balance 1 January 2000 (a)	9 038 367
	Total income received in 2000	5 567 125
	TOTAL INCOME	**14 605 492**
2.	**Commitments**	
	Total allotments issued as of 31 October 2000	5 967 804
	13% programme support costs based on allotments issued	775 815
	TOTAL COMMITMENTS	**(6 743 619)**
3.	**Estimated balance of funds (gross) available as of 31 October 2000**	**7 861 873**
4.	**Estimated 15% operating cash reserve**	**1 179 281**
5.	**Estimated net funds available for future activities (less 13%) (b)**	**6 682 592**

(a) Contributions paid directly to the United Nations Office of Project Services not included.

(b) US$ 1,443,735 (including programme support costs) will be necessary to fulfil the estimated costplan for approved activities in the year 2000.